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MANUAL

OF THE

REGISTRATION

AND

ELECTION LAWS

OF THE

STATE OF DELAWARE

FOR THE CITY OF WILMINGTON.

PUBLISHED BY AUTHORITY OF CHAPTER 370, VOLUME 19, LAWS OF DELAWARE.

1892:

JAMES KIRK & SON, PRINTERS,

DOVER, DELAWARE.

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JOINT RESOLUTION IN RELATION TO PRINTING AND DISTRIBUTING OF THE REGISTRATION AND BALLOT LAWS OF THE STATE OF DELAWARE.

Whereas radical changes have been made at our present session in the laws relating to general and special elections in this State, which changes it is of the highest importance that our people should fully understand at an early date; therefore

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That for the purpose of affording to our voters the means of fully acquiring the information upon the subject which it is essential for them to obtain, the Secretary of State be and he is hereby directed to collate and have published in pamphlet form, at as early date as possible, an act entitled "An act to provide for the secresy and purity of the ballot," and an act entitled "An act to provide for the registration of voters," and such other laws as relate to the general and special elections of the State. He shall have published of said pamphlets five hundred copies for Sussex, Kent and the County of New Castle outside of the city of Wilmington.

He shall also have published, for distribution among the voters of the city of Wilmington, five hundred copies of a pamphlet containing all the laws in the other pamphlet and together with them an act entitled "An act to provide for the registration of voters in the city of Wilmington," and all other laws relating to the subject of general, special and municipal elections in the city of Wilmington.

He shall publish in said pamphlet a preface containing full instructions as to the operation and requirements of said laws, and he shall also publish therein a full and complete index to the contents of each.

He shall also have published an equal number of said [pamphlets] which he shall retain in his possession and at the proper time distribute among the election officers and the voters in the counties of Sussex, Kent, the county of New Castle outside of the city of Wilmington, and in the city of Wilmington, for use by them on election day.

Adopted at Dover, May 15 1891.

PREFACE.

This pamphlet, prepared in accordance with the preceding joint resolution, contains, besides the new State Registration and Ballot Laws, all the provisions of the antecedent statute law in relation to general and special elections of the State, and municipal elections in the city of Wilmington.

Our new Registration and Ballot laws are based upon systems already in operation in other States of the Union, and found, wherever tried, to promote the purity of elections, and to tend to secure an honest expression of the popular will.

The registration of voters, now practiced in the greater part of the Union, has, for more than fifty years, been required in some of our sister States as a check upon fraudulent voting and a means of furnishing the honest voter with ample facilities for proving that he possesses the right to vote, whilst the essential features of the new ballot law, although of more recent origin, have been adopted in all but fourteen States of the Union as the best election machinery so far invented for the purpose of carrying out the original American idea of a secret vote—the best protection to the needy and dependent in the free exercise of their suffrage.

These laws describe in minute detail everything to be done under them by the officers charged with the duty of executing them, and everything to be done by the voter; but although these things are simple and easily understood, when in operation, yet their description must of necessity be long and tedious.

The object of this preface is merely to give briefly the main outlines of the system provided for by these acts, and condensed instructions as to their operation and requirements.

STATE REGISTRATION LAW.

The State Registration Law applies to every election district in the State, outside the City of Wilmington.

In each election district, an officer of registration, called a Registrar—to be appointed by the Governor, at least six months before every general election, for the term of two years—sits on the first four Saturdays of the September next preceding every general election for the purpose of registering all the voters of his election district who PERSONALLY apply to be registered. His hours of sitting are from 8 a. m. until 6 p. m., with an intermission from 12 to 1, and he sits at such places in the district as may be most convenient to the voters, ample notice being given of times and places. After the last of these sittings the Registrar publishes, by posting in at least ten of the most public places in his election district, alphabetical lists of the persons whose names he has entered in the Voting Books, either as fully qualified to vote at the next general election, or entitled to become fully qualified on or before the day of such election by paying a tax, becoming naturalized, etc. A Board of Registration then sits in each election district, at the voting place of the district, on the three Saturdays immediately preceding the Saturday next before the election (during the same hours) for the purpose of registering applicants in the same manner as the Registrar and also to entertain appeals from his decisions and correct any errors he may have made.

The Board of Registration is composed of the Registrar above mentioned, the Inspector of Elections for the District, and that one of the Judges of Election who shall not belong to the same political party as the Registrar.

The alphabetical lists, or Voting Books, completed and corrected by the Board, of the persons registered as fully qualified to vote, or entitled to become fully qualified by payment of tax or otherwise on or before the next general election, are, together with the registers, delivered to the Sheriff of each county by the several Registrars in

his county, and by the Sheriff delivered to the several Inspectors of Election by the Saturday immediately preceding the election. These lists will be used at the polls by the judges of each election district as the indispensable evidence of the right to vote, and no person will be entitled to vote, or to offer any evidence to show that he possesses the right to vote, whose name does not appear on one or other of these lists.

Any one registered, either as a qualified or partially qualified voter, may, at the time of registering, demand a certificate to that effect from the Registrar, and any one who removes into another county after registration may have his name stricken from the list where he has registered and obtain a certified transcript of the entries opposite his name on the register. Upon this transcript he may be registered in the election district of the county to which he may have removed, provided that by the next following election he will have acquired in the county to which he has removed the one month's residence required by the Constitution.

If any person removes, after being registered, to another election district within the same county, he must vote in the election district in which he was registered and not in the district to which he has removed—removal from one district to another district in the county not being a disqualification to vote where registered.

Any person whose name appears on either of the lists of voters (unless it appears that he was registered at the last sitting of the board) can only be challenged on the ground of not being the person whose name so appears, or as having become disqualified to vote since he was registered, or, if registered as a partially qualified voter, on the ground that he has not completed his qualification by payment of tax or otherwise. There being no opportunity for the scrutiny and review of the entries made on the last day of registration, any person registered on that day may have his right to vote challenged on the ground of being improperly registered.

Before any special election, the board sits on the two Saturdays immediately preceding the Saturday next before the election, to register those who may have become qualified to register since the last registration.

The Registrars and Boards of Registration will be furnished with books, which the Governor will cause to be prepared at the expense of the State, so ruled and headed as to leave no room for doubt or mistake as to the questions to be asked, the entries to be made, or the mode of making them. And all such details are so plainly set forth in the law itself, which is a part of this pamphlet, that a description here would only be repetition.

In like manner, the provision made for vacancies in the office of Registrar, for the appointment of Alternate Registrars, and for insuring the existence of a Board of Registration, together with the notices required to be given by the Registrar, and the guards and checks and penalties provided to prevent fraud or unfairness, may be best learned from an examination of the act itself, with the aid of the full index made to facilitate such examination.

The qualifications of an elector, prescribed by the Constitution, are set forth in the Registration Law as the sole qualifications of an elector, and any one who possesses these qualifications at the time of registration, or who shows that he may possess them on or before the next general election, may have his name entered in the Voting Books upon personal application, either to the Registrar when sitting alone, or to the Board of Registration, that is: the applicant for registration must possess all the qualifications following, to wit:

1. *Citizenship.* He must be a citizen of the United States, or, if not native born, and not naturalized at the time of applying to be registered, he may still be registered in the Voting Book of partially qualified voters if he shows that he will have the right to take out naturalization papers before the next general election and so fulfill the requirement of citizenship.

2. *Residence.* He must be a resident of the election district at the time of his application, and must have resided in the State one year next before the date of his application less the time to elapse from the date of his application to the following general election, and in the county one month less the time to elapse from the date of application to such election.

3. *Tax.* If of the age of twenty-two years and upwards, he must, within two years next before the following general election,

have paid a county tax which shall have been assessed at least six months before such election; or, if he shall not have paid such a tax, he may still be registered in the list of partially qualified voters if he shows that he has been duly assessed and will have the right to fulfill the requirement of tax payment by paying it on or before the day of the next general election.

If any applicant for registration shows that on the day of the next general election he will be of the age of twenty-one years, and under the age of twenty-two years, he will be registered, although not assessed.

No person disqualified from voting by reason of being an idiot, or insane person, pauper, or person convicted of a crime deemed by law felony, will be registered.

The name of every applicant for registration will be entered on the Registers, but only those possessing the above qualifications will have their names entered on the Voting Books, either as qualified or partially qualified voters, and only the names of those who appear in person before the Registrar or Board of Registration will be entered in the Registers or Voting Books.

BALLOT LAW.

The Ballot Law provides for the appointment by the Governor of three Commissioners for each of the counties in the State, one of whom in each county shall be a member of a political party opposite to the one of which the other two are members, who shall divide such election districts in their respective counties (outside the city of Wilmington) as contain in their judgment a greater number of voters than can conveniently vote at the next general election into two or more election districts, delimiting and naming the new districts, designating the place of holding the election in them, and securing a room for holding the same.

The Inspector of each hundred or election district so divided shall be the inspector of the new district in which he resides at the time of the division, and the Commissioners shall appoint for the other newly established district or districts an inspector, or inspectors, from the party to which the other inspector belongs.

These duties shall be performed and certified to by the first day of March, 1892.

The only ballots received at the polls and counted will be the official ballots, which the Clerks of the Peace for the several counties will cause to be printed of uniform size and of the same quality and color of paper—each ballot to contain the names of the candidates nominated by all the political parties, arranged side by side in parallel vertical columns, each column of candidates being headed by the title of the party nominating them and some device to be selected by such party—the candidates of the Democratic party to be in the first column to the left, those of the Republican party in the next column, and of any other parties in such order as the Clerk of the Peace shall decide.

The lists of candidates are to be certified to the several Clerks of the Peace by the presiding officers and secretaries of the State or county conventions, as the case may be, of the several parties, together with the device selected by the party.

These certificates of nomination are to be filed with the Clerks of the Peace at least twenty days before the election at which they are to be voted for, and at least ten days before such election the Clerks of the Peace shall cause such nominations to be published in the form they will appear on the ballot in at least two county newspapers.

A political party is defined for the purposes of the act, and minute provisions made in relation to the device, to the publication of the lists of nominees, and for such contingencies as the death, removal or resignation of any or all of the candidates either before or after the printing of the ballots, and for the existence of contending factions in a party—each contending for the same party name or device, all of which may be best examined in the act itself, which is contained in this pamphlet and fully indexed.

Each Inspector, outside the city of Wilmington, is required to appear at the office of the Clerk of the Peace of his county on the day preceding the election, before 3 o'clock, and the ballots for the several election districts are then delivered to the Inspectors by the Clerks of the Peace in sealed packages, together with the voting

stamps—the sealed packages to be opened by the Inspectors at the opening of the election, after the qualification of the other election officers—the printing, custody and distribution of the ballots being so regulated as to insure that each election district shall have a sufficient number of ballots, and that no ballots shall be in existence except those in the hands of the election officers; provision being also made for the delivery of the ballots in the event of an Inspector failing to appear before the Clerk of the Peace, and for the holding of the election in case of loss or destruction of the ballots.

The arrangement of the polling places under the new system is shown in the diagram following this preface, which shows the most convenient method for an ordinary country schoolhouse, or other small building.

The passage way, with a "railing, rope, or wire" on either side, extends 30 feet away from the challenge window. The direction is not material, but as all persons except election officers and challengers are required to keep 30 feet away from the polls, when not voting, it will be best to have it run directly out from the building when this can be done conveniently. The place occupied by the Election Board must be separated from the remainder of the room by a railing, which must include the entrance. The booths in which ballots are marked shall not be less than three in number, and at least one for every 150 voters or fractional part thereof in the hundred or election district. The booths shall be at least three feet square and six feet high, if the ceiling will admit it. They shall each contain a shelf properly constructed, and provided with pen and ink. The booths may be placed in a row or separated. Their location in the room is immaterial, but they must be so placed that "all the members of the Election Board can see whether more than one voter enters, *i. e.*, the entrances of the booths must be placed towards the Election Board. With the exception of the usual table and chairs for the board, no other furniture is needed.

The Inspectors, outside the city of Wilmington, will procure the room in all districts except those established by the Commissioners to be appointed for that purpose. In the new districts the said Commissioners designate the place of holding the election and secure the room. There should be an exit other than the door of entrance when possible.

One Challenger, appointed and designated by each political party, shall be entitled to stand at the side of the passage and near the entrance to the room. No other person shall remain within thirty feet of the entrance, except for the purpose of voting.

Two Voters' Assistants, to be selected by the Inspector and Judges before opening the election, one from each of the two principal parties, who shall be duly sworn not to divulge how any voter marked his ballot, and not to coerce or in any way influence any voter, remain in the room to assist in marking the ballots of those voters requiring assistance by reason of blindness, illiteracy, or incapacity, who request their assistance.

The method of marking the ballots, as well as certain details of procedure, are minutely described in the following sections of the act:

SECTION 19. When a voter shall have been passed by the challengers he shall be admitted to the election room. *Provided*, *however*, that there shall not be in the room at any one time more than one voter for each booth therein. On entering the room the voter shall announce his name to the clerks of the election, who shall register it. The clerk holding the ballots shall deliver to him one ballot and the other clerk shall deliver to him a stamp, and both the voters' assistants, on request, shall give explanation of the manner of voting; if deemed necessary, by unanimous consent of the election officers, an interpreter may be called. The voter shall then, and without leaving the room, go alone into any of the booths which may be unoccupied and indicate the candidates for whom he desires to vote by stamping the square immediately preceding their names: *Provided*, *however*, that if he shall desire to vote for all candidates of one party and none other, he may place the stamp on the square preceding the title under which the candidates of such party are printed, and the vote shall then be counted for all the candidates under that title, unless the names of one or more candidates under another title shall also be stamped, in which case the names of the candidates so stamped shall be counted. Any voter, while in the booth, may erase the name of any candidate and substitute the name of any person in any column of the ballot which shall stand in lieu of the original name. Such alterations and changes in the printed

ballot shall be made by pen and ink only. Before leaving the booth, or compartment, the voter shall fold his ballot so that no part of the face thereof shall be exposed and so that the initials of the clerks of the election shall be exposed, and on leaving the booth or compartment shall return the stamp to the clerk of the election and deliver the ballot to the inspector, or to the judge who may temporarily be authorized to act for the inspector, who shall forthwith, in the presence of the voter and of the other election officers, deposit the same in the ballot box; and the clerks of the election shall write the word "voted" after the name of the voter on the poll list: *Provided, however*, that if any elector shall show his ballot, or any part thereof, to any other person after the same shall have been marked, so as to disclose any of the candidates voted for, such ballot shall not be deposited in the ballot box. A minute of such occurrence shall be made on the poll list and such person shall not be allowed to vote thereafter. The voter shall immediately after voting leave the room, and upon his refusal to do so may be ejected therefrom, but no voter to whom a ballot and stamp, or either, have been delivered shall be permitted to leave the room without voting the ballot or returning it to the clerk of the election, or without returning the stamp to the clerk of the election from whom he received it. Any voter who shall attempt to leave the room with the ballot or stamp in his possession shall be at once arrested on demand of an election officer.

SECTION 20. Not more than one person shall be permitted to occupy any booth at one time; and no person shall remain in or occupy a booth longer than may be necessary to prepare his ballot, and in no event longer than three minutes. No more than one person for each booth in the room other than the election officers shall be permitted to enter or be in the election room at any one time, and no voter or person offering to vote shall hold any conversation or communicate with any other person than an election officer while in the election room.

SECTION 21. Any person who shall, by accident or mistake, spoil, deface, or mutilate his ballot may, on returning the same to the clerks of the election and satisfying them that such spoiling, defacing or mutilation was not intentional, receive another in place thereof, and such clerk shall make a minute of the facts on the poll

lists at the time, and the mutilated ballot shall then be destroyed by the elector in the presence of the election officers.

The penal sections of the act are ten in number. They impose appropriate penalties for violation of its provisions and for the commission of acts described in them, which tend to defeat the purposes for which it was enacted.

The Clerks of the Peace are required to prepare cards containing full instructions to the voters, and the inspectors to put the same in the booths and outside the polling places.

WILMINGTON REGISTRATION LAW.

The Wilmington Registration Law provides for the appointment by the Governor, on or before the 10th day of August, 1891, of "three persons of the city of Wilmington" to constitute a Department of Elections, all of whom must be citizens of the United States and of the State of Delaware, qualified voters of and resident in the city of Wilmington, for the term of five years next preceding their appointment.

The persons so appointed are to serve for the terms of two, four and six years respectively, and to determine their terms by lot at the first meeting of the board, and certify the result to the Clerk of the Peace of New Castle county. Subsequent appointments, except for an unexpired term, to be made by the Governor for the term of six years, the same qualifications being always requisite, and the members of the board at no time to be all of the same political faith and opinion. Within one month after their appointment, every member of the board must take and file with the Clerk of the Peace an oath of office, and then meet and organize said Department of Elections by selecting one of their number to be president for the term of two years.

On or before the first day of September next preceding the time of the first registration under the act, and in every sixth year thereafter, on or before the first day of September, it is made the duty of the Department of Elections to divide the city into as many election districts as they shall deem necessary, provided that each district shall contain, as near as may be, no more than three hundred nor less than one hundred qualified voters, and shall be entirely within the boundaries of one ward. Thereafter the Department of Elections may biennially divide such districts as by the preceding registration shall be found to contain more than three hundred voters.

In the month of August, in each general election year, it is made their duty to appoint three inspectors of election for each election district, for the term of two years, who are also the officers of registration. These inspectors must be citizens of the United States and of the State of Delaware, of good character, able to read, write and speak the English language understandingly, qualified voters in the city, and not candidates for any office to be voted for by the electors of the district, and two of them shall be of different political faith and opinion from their associate. They are required, under a penalty of two hundred dollars, to qualify and serve, and, upon notice, may be dismissed, for cause, and the vacancies filled. On election day any inspector may be summarily displaced for misconduct and his place filled by the Department of Elections, who appoint and control the clerks of election in like manner. The clerks must be of different political opinion, and the inspectors in each ward divided, as nearly as may be, equally between the different political parties.

In each election district in the city of Wilmington the three inspectors of election for the district sit on Saturday of the fourth week, on Saturday of the third week, and on Friday and Saturday of the second week next preceding the day of each general election, for the purpose of registering all the voters of the district who *personally* apply to be registered. They remain in session on each of said days "from between the hours of eleven and twelve o'clock in the forenoon and seven o'clock in the afternoon," and they sit at the place prepared for them by the Department of Elections, which place shall be designated and appointed by the Department not less than two weeks previous to the first day of registration, and advertised by posters or handbills containing particulars concerning the ensuing election, fully set forth in the act forming a part of this pamphlet.

The inspectors of election will be furnished with books, to be known as registers, which the Department of Elections will cause to be prepared, so ruled and headed as to leave no room for doubt or mistake in regard to the questions to be asked of applicants for registration, the entries to be made, and the mode of making them; and all such details are so plainly and fully set forth in the law itself, which is a part of this pamphlet, that a description here would be only a repetition.

It is also made the duty of the Department of Elections to prepare and furnish to the inspectors all the books, maps, forms, oaths, certificates, blanks and instructions necessary to enable them to fulfill their duties in accordance with the provisions of the act, which are minute and full in every particular, and may be best learned by an examination of the act itself, with the aid of the full index annexed to this pamphlet to facilitate such examination. The inspectors shall, immediately upon entering the name of an applicant upon the registers, require him to present his proper tax receipt, and shall stamp the same with the word "registered," the number of the district, and also the day and year of registration, in letters and figures.

It shall also be their duty, at the close of each day of registration, to compare their several registers and append to each a certificate to the entries of the day; which certificates shall also state the number of names entered that day as qualified voters, and also the number of names entered as those who might become qualified to vote before the close of the polls at the next election.

As an additional safeguard, a copy of the entries is required to be made, at the end of each day of registration, in a fourth book, and hung up for public inspection at the place of registration. A comparison, review and correction of the registers by the Department of Elections, after the last day of registration, is provided for, and ample opportunity given for challenge and rehearing on any day of registration, and even on the day of election.

The inspectors of election will have the registers with them at the polling places on the day of election, and there use them as the indispensible evidence of the right to vote, no person being entitled to vote, or to offer any evidence to show that he possesses the right to vote, whose name is not found upon at least two of such registers as a qualified voter, or as one who may become qualified, and who, at the time of offering to vote, has perfected his qualifications as an elector under the constitution and laws of this State. *Provided, however*, that any person marked disqualified can have an opportunity for a rehearing of his case. Any one registered may be challenged and his right to vote questioned, and any name appearing on the registers may be marked for challenge, upon the demand of any qualified voter in the city, made on any day of registration or election.

If any one removes, after being registered, to another residence within the same election district, he must take and subscribe an oath of removal before one of the inspectors of the district in which he was registered, who will thereupon make a note of his change of residence upon the registers, and, if deemed necessary, cause the fact to be investigated. If any one removes after registration into another election district within the city, he must obtain a certificate of removal, with a transcript of the entries made concerning him upon the registers. The qualifications for registration under the Wilmington Registration Law are the same as already set forth in this pamphlet as the qualifications for registration under the State Registration Law (see page 8 of pamphlet), and the penalties prescribed for infractions of the law are simple and plain, and may be best learned by an examination of the act itself.

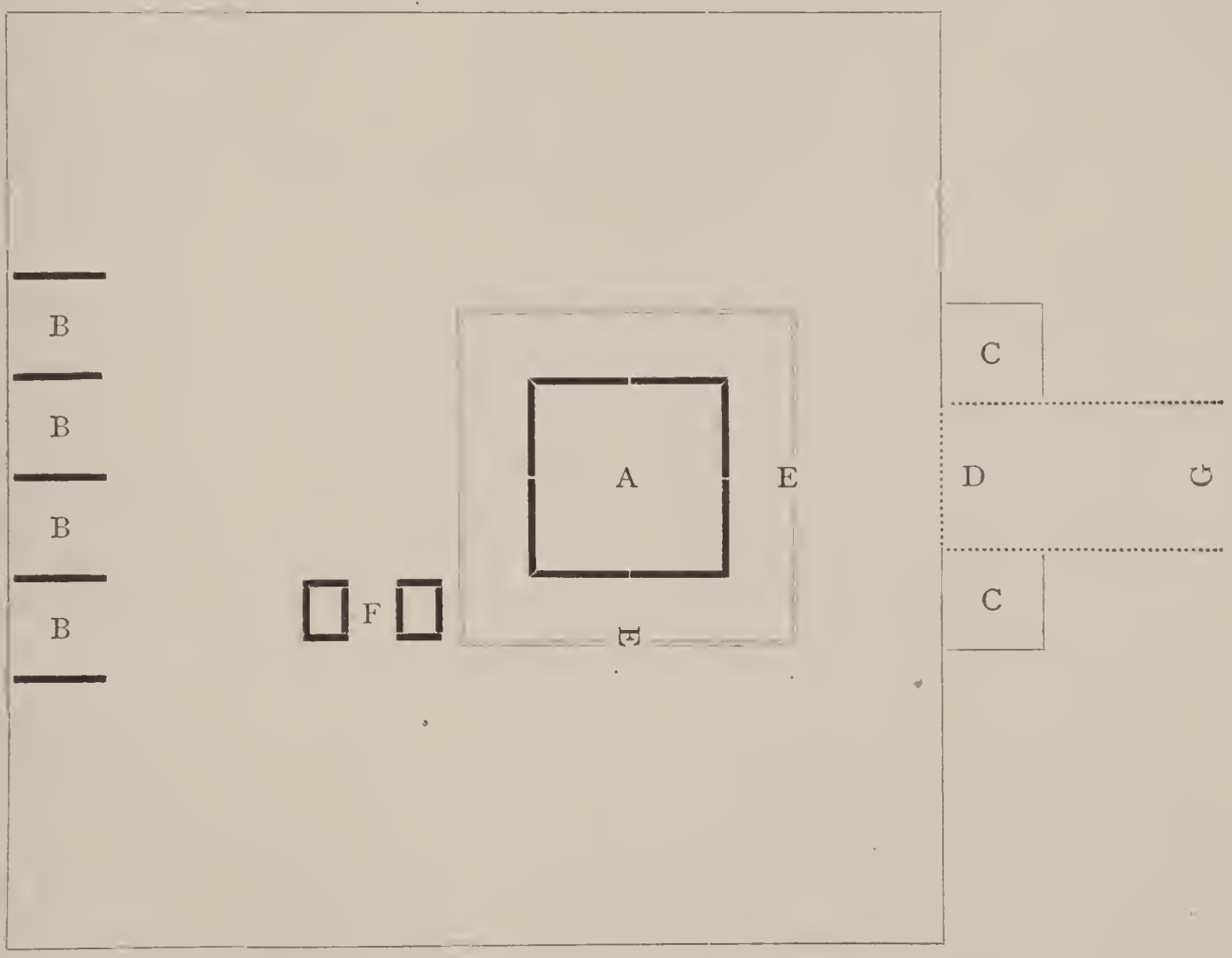
For each and every election other than the general election, except municipal elections and elections for members of the Board of Education, a revision of the general registration is provided for on the second Saturday next preceding the day of each and every such election.

BALLOT LAW IN THE CITY OF WILMINGTON.

The provisions of the Ballot Law are the same in the city of Wilmington as in election districts outside the city of Wilmington, except that the Department of Elections directly, or through its appointees, performs the duties and exercises the powers performed and exercised by other officers in the election districts outside the city of Wilmington.

THE POLLING PLACE.

The arrangement of the the polling place, under the new system of voting, is seen in the following diagram, which shows the most convenient method of arrangement for an ordinary polling place:



A—Table for election officers.
B B B B—Booths where ballots are prepared by voters.
C C—Position of challengers.
D—Door of entrance.
E E—Railing separating the election board from voters.
F—Position assigned to voters' assistants.
G—Passage-way to entrance.

The passage-way is a space "at least four feet wide," "with a railing, rope, or wire, on each side, commencing at least thirty feet away from and leading to the entrance to such place of election, and passing the place assigned for the challengers," marked in foregoing diagram as "C C," and thence to the entrance to the room. The direction is not material, but as all persons, except election officers and challengers, are required to keep thirty feet away from the polls when not voting, it will be best to have it extend directly out from the building.

The door, or entrance, must be "of easy or convenient access," and at the end of the "passage-way," as designated "D" in the diagram.

"The Inspector shall provide for the room a railing therein, separating the part of the room to be occupied by the election officers from the remainder of the room," as designated by "E E" in the diagram.

"The table shall occupy such a position in said room as to enable the election officers and challengers to easily communicate with each other," and the most convenient way to attain this will be to have the table for the election officers directly in front of the door of entrance, as designated by "A" in the diagram, and the challengers on either side of the "passage-way" outside, as designated by "C C" in the diagram, where they can see and communicate with the election officers, and have the voter pass between them.

The booths in which the voter prepares his ballot shall not be less than three in number, and shall be "one booth for every one hundred and fifty voters, or fractional part thereof, in each hundred or election district." "They shall be at least three feet square and six feet high, if the ceiling will admit it." They may be with or without doors, all that is necessary being that the voter may mark or prepare his ballot screened from observation. The sides and back of the booths should be made solid and without cracks or openings.

A shelf should be constructed across the back of the booth, about three and a-half feet from the floor, and should be about one and one-half feet wide, and the booth must be provided with pen and ink. The booths may be placed in a row or separated, but must be

"so arranged that all the election officers in the room can see whether more than one voter enters any one of them at any one time," *i. e.*, the entrance of the booths must be placed towards the election officers.

There may be, "if practicable, a separate means of exit."

With the exception of the usual table and chairs for the election officers, no other furniture is needed.

HOW TO VOTE.

When an elector is ready to vote, he should enter the passage-way, announce his name to the election board, if challenged establish his right to vote, and enter the door of the election room; when admitted, procure from one of the clerks a ticket that has the initials of the clerks written on the left-hand corner of the back, and a stamp from the other clerk. He should then go alone into a booth and mark his ballot with the stamp. If he wishes to vote a straight ticket he marks with the stamp in the square opposite the title of the party with which he votes. If he desires to vote a mixed ticket, or to omit entirely one or more offices, he should stamp the square in front of the name of each* candidate for whom he desires to vote, and should stamp but once on any square. If he desires to vote for any person whose name does not appear on the ticket, he can substitute the name by writing it *in ink* in the proper place on the ticket. If he does not understand how to mark his ballot, he should ask the voters' assistants to instruct him.

If any elector declares that by reason of physical disability or inability either to read or write, or both, he is unable to mark or alter his ballot, he may call to his assistance the voters' assistants, who, in the presence of the elector, and in the presence of each other, shall prepare the ballot for voting, and, on request, shall read over to such elector the names of the candidates as marked or written.

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*Where there are two or more candidates for the same office on the same ticket, as in case of candidates for State Senators, or members of the House of Representatives, and the title of one ticket, and the names of one or more, but less than all, of such candidates on another ticket are stamped, the intention of the voter can not be determined, and the part of the ballot affected thereby will not be counted. To avoid mistakes, the voter, if he desires to vote a mixed ticket, should stamp the square in front of the name of each candidate for whom he desires to vote.

If, by accident, an elector tears, mutilates, defaces or spoils a ballot, he should go at once to the clerk, return the same, explain how the accident occurred, and ask for another ballot.

Before leaving the booth he should fold his ballot so that the initials of the clerks, on the back, will show, but so that no part of the face of the ballot can be seen. When he has marked and folded his ballot, he should leave the booth, deliver the stamp to the clerk from whom he received it, and hand the folded ballot to the Inspector, who will put it in the ballot box in his presence.

He should then leave the room and remain thirty feet away from the polls.

DUTIES OF OFFICERS.

NOTE.—The paragraphs marked (*S*) appertain to elections in the State, outside the city of Wilmington. Those marked (*W. hd.*) to elections in Wilmington Hundred only. Those marked (*G*) to elections throughout the State, Wilmington included.

GOVERNOR.

Commissioners. To appoint three commissioners for each of the counties of the State to divide election districts (outside the city of Wilmington), where they may deem necessary, and establish the boundaries thereof. (p. 13—*S.*)

Appointment of Registrars and Alternate Registrars, etc. To appoint a registrar and alternate registrar for each hundred or election district (outside the city of Wilmington), at least six months before each general election, and to fill all vacancies occurring in said offices. (pp. 18–19.—*S.*)

Registration books. To cause books to be prepared for the use of the registrars, and to cause the same to be delivered to the Sheriffs in each of the counties on or before the first Tuesday in August in the year of holding the general election. (pp. 21–23.—*S.*)

Proclamation. To make known, by proclamation, in October next preceding every election of President and Vice President, the number of electors to be chosen and the day of election. (p. 111.—*G.*)

Certificates of election. To examine certificates of election for electors of President and Vice President, and ascertain the electors chosen and give notice thereof. (p. 82.—*G.*)

Convening General Assembly. To convene the General Assembly in case of failure to elect electors for President and Vice President. (p. 112.—G.)

Returns. To examine returns of election for Representative in Congress, declare the person elected, and issue certificates of election under his hand and the Great Seal of the State, one of which he shall transmit to the office of the Secretary of State of the

United States, and one to the person elected; also to publish the result, by proclamation, in one or more public newspapers of the State. (p. 114.—*G.*)

Commissions. To commission person decided by the court to be legally elected, in case of contest of election, other than members of the General Assembly and Governor. (p. 120.—*G.*)

Vacancy. To issue writs of election to fill vacancy in office of Representative in Congress. (p. 114.—*G.*)

Writs of election To issue writs of election to fill vacancies in General Assembly. (pp. 108–109.—*G.*)

Vacancies. To fill vacancies in Levy Court Commissioners, and to appoint a suitable person in case of a vacancy caused by a failure to elect. (p. 125.—*S.*)

Appointment of Department of Elections. To appoint three persons of the city of Wilmington, on or before the tenth day of August, 1891, who shall constitute a Department of Elections of said city, and to fill all vacancies therein. (pp. 45, 46.—*W. hd.*)

Appointment of Special Constables. To appoint special constables within the city of Wilmington whenever a general election is held, upon the application, in writing, of at least fifty citizens residing in the city of Wilmington. (p. 138.—*W. hd.*)

CLERKS OF THE PEACE.

Alphabetical list. To make and certify an alphabetical list of the names of all the male citizens of the age of twenty-one years and upward, residing and assessed in each hundred or election district, and deliver the same to the Sheriff of the county, on some day in the month of August next preceding the general election. (p. 96.—*S.*)

Certificate of party. To demand a certificate of twenty-five voters of any organization desiring to be regarded as a political party in any county, if he has any doubt as to the sufficiency of the number of bona fide voters representing such organization. (p. 3.—*G.*)

Contested party titles, device, &c. To decide and determine, in case of a claim by two or more factions to the same party name or title, figure or device, to which faction the same belongs. (p. 4.—*G.*)

Certificates of nomination. To cause to be preserved for six months all certificates of nomination filed in his office. (p. 4.—*G.*)

Publication of nominations. To cause to be published, in at least two newspapers within his county, representing the two principal political parties, the nominations certified to him. (p. 5.—*G.*)

Ballots. To print ballots. (pp. 3, 5–7.—*G.*)

Stamp, ink pads, &c. To provide stamps, together with ink-pads or the necessary apparatus. (p. 7.—*G.*)

Pasters. To furnish pasters in case of the death, removal or resignation of any candidate after the printing of ballots and before the election. (p. 6.—*G.*)

Instruction cards To cause to be printed in large type, on cards, in English and such other languages as may be deemed necessary, instructions for the guidance of electors in preparing their ballots, and to furnish twelve of such cards to each of the election inspectors at the time of delivering the ballots for his hundred or election district. (p. 9.—*G.*)

Ballots, stamps, &c. To deliver the packages of ballots, with stamps, &c., to the inspector or inspectors of the several hundreds or election districts; or in case there shall be a vacancy in the office of any inspector, or failure of any inspector to apply at the proper time, to select some trusty person to deliver the package to the inspector at the place of the election on the day of the election. (p. 7.—*G.*)

New supply of ballots. To furnish a new supply of ballots, in case of loss or destruction of ballots previously delivered. (p. 8.—*G.*)

Unused ballots. To preserve the ballots left in his hands, after supplying the hundreds and election districts, until six o'clock p. m. of the day of the election, and then count and destroy by fire all of such ballots but one, which he shall preserve in his office as a record, together with his certificate of the number of ballots counted and destroyed by him. (p. 14.—*G.*)

Vacancy in office of Inspector. To notify the Levy Court Commissioner of any hundred in which a vacancy in the office of inspector exists of such vacancy. (p. 92.—*S.*)

SHERIFF.

Alphabetical list. To deliver to the registrars of each hundred or election district of his county, outside of the city of Wilmington, some time in

the month of August of the year of holding the general election, the alphabetical list of the names of all the male citizens of the age of twenty-one years and upwards, residing and assessed in his hundred or election district, and at the same time deliver to each of the said registrars the books and stamps required by law. (pp. 23, 96.—*S.*)

Ballot boxes. To make the ballot boxes, and the tally lists and all other papers to be delivered to the several inspectors, conformable to the requirements of law. (pp. 16, 96.—*S.*)

Registers and Voting Books. To deliver the registers, and voting books, and lists, that shall have been delivered to him by the registrar, to the inspector of the hundred or election district of the county to which such register, voting books and lists shall apply, within three days after the same have been delivered to him. (p. 36.—*S.*)

Ballot boxes. To deliver two suitable ballot boxes, &c., to the inspector of each hundred of his county after the 23d, and before the 27th, day of October in the year of holding the general election. (pp. 95–96.—*S.*)

Presiding officer. To attend and preside at the meeting of the Board of Canvass of his county. (pp. 103–104.—*G.*)

Certificates of Board of Canvass. To deliver and lodge the certificates of the result of the election, made by the Board of Canvass, with the proper officers, as presiding officer of said board. (p. 107.—*G.*)

Ballot box, ballots, &c. To preserve ballot boxes containing the ballots, certificate and tally lists, until the last day of February next after the election. (p. 108.—*G.*)

Proclamation. To post on the outside of the Court House door of his county, and also in one of the most public places of each hundred of his county, a proclamation reciting the writ of election issued by the Governor for special election. (p. 109.—*G.*)

Notice. To give written notice of writ of election and of the day of holding election to the inspector in each hundred. (p. 109.—*G.*)

Proclamation. To post proclamation for special election to fill vacancy in the office of Representative in Congress. (p. 114.—*G.*)

INSPECTORS.

Judges. To (with the person who at the last election for inspector next previous received the next highest number of votes for said office) choose respectively the two judges of the election in his hundred or election district on some day in the month of September next preceding the general election, as is required by Section 11 of Chapter 18 of the Revised Code, and to respectively notify, during the said month of September, the said persons of their appointment, in writing, and also, in the said month of September, give notice, in writing, to the registrar of the hundred or election district of the persons so chosen. (pp. 33, 99.—*S.*)

Room. To provide a room for holding general or special election in his hundred or election district, outside the city of Wilmington. (p. 1.—*S.*)

Notice of election. To give public notice of the time and place of holding the next general election in his hundred or election district, and of the officers to be voted for at such election, by advertisements posted in at least five of the most public places in his hundred, within two days after receiving from the Sheriff a list of officers to be chosen at said general election. (pp. 99, 110.—*G.*)

Ballots and stamps. To appear at the office of the Clerk of the Peace of his county on the day preceding the election, before the hour of three o'clock p. m., to receive ballots and stamps for his hundred or election district. (p. 7.—*G.*)

Delivery of books, &c. To have the register, voting books and lists that shall have been delivered to him by the Sheriff at the place of election before the opening of the polls on election day. (p. 36.—*S.*)

Instruction cards To cause the cards of instruction to be posted. (p. 9.—*G.*)

Oaths. To take the prescribed oaths. (pp. 13, 98, 100.—*G.*)

Reading certain law. To distinctly read Sections 34 and 35 of "An act to provide for the secrecy and purity of the ballot" to the election officers at the opening of the polls. (p. 16.—*G.*)

Challengers. To select challenger or challengers in case of failure of political party or parties to select. (p. 2.—*G.*)

Opening package of ballots. To open the package of ballots in the presence of the other election officers in such a manner as to preserve the seals intact. (p. 9.—*G.*)

Delivery of ballots. To deliver ballots to the clerk of the election of the opposite political party to his own, and stamps for marking the ballots to the other clerk of the election. (p. 9.—*G.*)

Proclamation. To make proclamation that the election is open, between the hours of 8 and 9 o'clock a. m., and one half hour before closing the election to make proclamation that the same will be closed in that time. (pp. 101–102.—*G.*)

Ballots not to be deposited. Not to receive or deposit in the ballot box the ballot of any person offering to vote until he has ascertained that the voter has complied with the requirements of the law. (p. 36.—*G.*)

Illegal ballots. Not to deposit any ballot upon which the initials of the clerks of the election do not appear, or any ballot on which appears any distinguishing mark, defacement or mutilation. (p. 12.—*G.*)

Disputed and illegal ballots. To preserve all disputed ballots and all ballots not conforming to the provisions of the law, and place the same, with the seals, in the box in which the ballots shall have been put when read. (p. 14.—*G.*)

Board of Canvass. To meet on the Thursday next succeeding the day of the general election, at 12 o'clock m., at the court house of his county (except in New Castle County, where they shall meet at 10 o'clock a. m.), as a Board of Canvass, and deliver to the Sheriff, or other presiding officer of the board, the certificates of election and the ballot boxes of his hundred. (pp. 103–104, 110.—*G.*)

Oaths and affirmations. To deliver into the office of the Clerk of the Peace of his county, on the Thursday next succeeding the day of the general election, the oaths or affirmations that shall have been signed by the inspector and judges of the election in his hundred or election district; the certificates of said oaths or affirmations having been administered; the two lists of the polls to be kept at the election; the alphabetical list certified to by the Clerk of the Peace, and the register and voting books. (pp. 37, 38, 108.—*S.*)

Notice of special election. To give notice of special election, on writ of election issued by Governor, to fill vacancy in the office of Representative in Congress. (p. 110.—*G.*)

Record of Deaths. To securely attach a "Record of Deaths" to the inside of the register in his custody, to compare the same with the register, and to make certain entries. (p. 49.— *W. hd.*)

Oath. To appear before the Department of Elections, within ten days after the receipt of notice of their selection as inspectors, by it to be examined, and, if found qualified, to take the prescribed oath of office. (pp. 50, 64.— *W. hd.*)

Duty of. To be present at their respective polling places at or before the hour of seven o'clock a. m., and there remain until the polls are closed, and their duties at such polling places are at an end. (p. 60.— *W. hd.*)

Comparisons of registers. To have with them at the polling place the registers, and to carefully compare, before the hour of election, the corrected register with the other registers and make them agree in all respects with said corrected register. (p. 60.— *W. hd.*)

Announcement of names of voters. To announce, in a loud, clear, and distinct manner the name, as given, by any person offering to vote; and not to receive or deposit in the ballot box the ballot of any person so offering to vote, until at least two of said inspectors have examined and found the name and residence of such person and declared the same to be upon at least two of the said registers as a qualified voter, or as one who may become qualified, and who at the time of offering to vote has perfected his qualifications as an elector; to make certain entries in the register when the vote of said applicant is received, and to stamp the tax receipt of the voter. (p. 61— *W. hd.*)

Illegal votes. To note on the register in his possession the name and residence of each and every person whose vote shall, in his opinion, be received in contravention of the provisions of law, and the name of the inspector or inspectors who shall so receive or deposit in the ballot box any such vote. (p. 61.— *W. hd.*)

Comparison of registers. To compare the registers as kept by them, immediately on the close of the polls on the day of election, and attach to them a certificate in writing that the same are correctly checked. (p. 61.— *W. hd.*)

Deposit of registers. To leave the registers at the office of the Department of Elections within twenty-four hours after the completion of the canvass of the votes cast in the election district in which they serve. (p. 61.— *W. hd.*)

Care of registers. To not permit the register, which each may have, to leave their possession (except it be the one filed in the Department of Elections), from the time of receiving the custody of the same until they shall file the same as provided by law. (pp. 61–62. — *W. hd.*)

Oath. To administer the prescribed oath to any person applying to register, or offering to vote, who may be challenged by any qualified voter in the city. (p. 62.— *W. hd.*)

Entries. To write in ink, immediately after the close of the polls on the day of election, before proceeding with the canvass of the ballots in the box, the word "No" opposite to and against the name of each person entered in the registers who is not shown by said registers to have voted; to then compare the said registers, make them agree, and ascertain the number of persons who by them are shown to have voted at that poll that day, and when they have made comparison and ascertained such fact the chairman shall announce the same in a loud voice. (p. 63.— *W. hd.*)

Canvass of votes. To canvass, tally, and certify the result of the election, in accordance with the existing laws of the State, the chairman of each Board of Inspectors performing the duties required by law of the inspector, and the other two inspectors the duties required of judges of election. (pp. 37, 38, 64.— *W. hd.*)

Attendance. To be in constant attendance during the hours and times fixed for the discharge of their several duties. (p. 65.— *W. hd.*)

Board of Canvass in election of Assessors. To assemble in the City Hall at Wilmington, immediately after making the certificates required by Section 8, Chapter 19, of the Revised Statutes, and ascertain and declare who have been duly elected assessors in the several assessment districts, and to make, sign and deliver certificates of said election in the manner prescribed by law. (p. 136.— *W. hd.*)

CITY SURVEYOR.

Furnishing of Maps, &c. To furnish the Department of Elections, upon their request, a map or maps of the several wards of the city, or any and all portions thereof. (p. 66.— *W. hd.*)

REGISTRARS AND ALTERNATE REGISTRARS.

Oath. To take and subscribe, within ten days of being notified of their appointment, the prescribed oath, before the Clerk of the Peace of the county in which they shall reside, before entering upon the duties of their office. (pp. 19, 20 and 32.—*S.*)

Registration books. To endorse the books of registration and voting books immediately upon receiving them, in accordance with the provisions of the law. (p. 24.—*S.*)

Sittings. To sit at such places in the election district as may be most convenient to the voters, ample notice being given of times and places, from 8 a. m. until 6 p. m., with an intermission from 12 to 1, on the first four Saturdays of the September next preceding every general election, to pass upon the qualifications of each person personally applying to be registered, and to record certain entries in their registers and voting books. (pp. 24–28.—*S.*)

Stamping receipt To stamp the tax receipt of any person applying to be registered as a qualified voter whenever he requires such person to produce said tax receipt. (p. 32.—*S.*)

Printing of Alphabetical list, &c. To cause to be printed not less than fifty copies of the alphabetical list of qualified and partially qualified voters and entries opposite the names in each of the voting books, within one week of their last sitting in September, and within said week "to cause one of said printed copies of each of said lists to be posted in at least ten of the most public places in his hundred or election district." (p. 28.—*S.*)

Certificate. To give to each person registered a certificate of registration, if requested. (p. 28.—*S.*)

Certificate in case of removal. To (upon the personal application of any person registered as a qualified voter, or one who may become qualified upon payment of tax, who has removed from the county in which he is so registered to any other county in this State) strike the name of such person from the register and voting books, and give him a certified copy of the entries in the register and voting books relating to him, together with a certificate that his name has been stricken from the register and voting books. (pp. 31–32.—*S.*)

Associate Registrar. To appoint a person to act as associate registrar, upon failure of the proper person to select the same, and in certain other cases. (p. 33.—*S.*)

Alphabetical list To produce and have before the Board of Registration, at all its sittings, the alphabetical list delivered to him by the Sheriff, and also the registers and voting books. (p. 29.—*S.*)

Registration books. To deliver to the Sheriff of the county one of said registers, and one each of voting books of qualified voters, and voting books of partially qualified voters, properly certified to, together with the alphabetical lists which shall have been delivered to him by the said Sheriff, within one day after said registers and voting books have been duly certified to by the Board of Registration, and to deliver to the Clerk of the Peace of the county in which he resides the registers and voting books retained by him within one week after the following general election. (35-36.—*S.*)

INSPECTORS ACTING AS REGISTRARS.

Board of Registration. To meet in their respective election districts at the places which, as provided by law, shall be designated for such meeting, and at the times designated by law for registration, and organize as a board by selecting one of their number to act as chairman; to remain in session on each of said days for the revision of registration, from between the hours of eleven and twelve o'clock in the forenoon and seven o'clock in the afternoon; to receive and enter upon their several registers the application for registration of all male persons who shall personally present themselves, and to examine all persons who personally apply as to their qualifications as electors, and immediately, in the presence of the applicant, enter in the register the statements and facts set forth in the law. (pp. 53, 54, 55.—*W. hd.*)

Meeting. To meet in their respective election districts, at the places which shall have been provided for such meetings, on the days and at the times designated for the revision of any general registration, and receive the applications for registration in accordance with the law. (p. 55.—*W. hd.*)

Removal of voters. To transfer, when they deem proper, the name of any voter from one registration district to another, upon removal, application, and compliance with requirements of law, and to preserve the oath of voter removing, and make certain entries on the register, and to give certificate of removal. (pp. 56, 57, 58. *W. hd.*)

Stamping of tax receipts. To stamp the tax receipt of every applicant entered upon the register. (p. 58.—*W. hd.*)

Signing of certificates. To fill up, date, and each sign a certificate as prescribed by law, at the close of each day of registration or revision of registration, and before adjourning shall make a "public copy" of the registers and compare throughout each of the registers and copy thereof, and on the last days of any registration and revision of registration certify the said copy in the same manner as if it were an original, and within forty-eight hours after their adjournment on said last day of registration or revision of registration leave it suspended in the place where such registration was conducted; to take possession of said copy of registration and return to the Department of Elections, as provided by law, and at the same time to deliver one of the registers made by them. (pp. 59–60.—*W. hd.*)

BOARD OF REGISTRATION.

Sitting. To sit from 8 o'clock a. m. until 6 o'clock p. m., with an intermission from 12 to 1, on the three Saturdays immediately preceding the Saturday next before the general election, at the place where the following general election is to be held, or at some convenient and suitable place in the town or village in which such election will be held; to enter upon said registers the names of all persons applying to be registered who have omitted to make such application before the registrar when sitting alone, and also the names of all persons who may have applied to the said registrar but whose names were not entered by him as required by law; to correct on the registers any mistakes which may have been made by the registrar in any entry therein, either as to the name, or as to any other statement of fact, upon the personal or written application of the person in relation to whom such correction is made, or, after written notice to him; to hear and examine appeals from the registrar in certain cases upon the personal application of the person appealing, and make certain entries of the acts and findings in relation thereto; to examine into the matter of any person charged to be illegally registered, upon a proper affidavit of a legal voter being presented to them, and to make certain entries of the acts and findings in such case. (pp. 29, 30, 31 and 33.—*S.*)

Comparing Registers, &c. To compare the two registers and the two alphabetical lists, as contained in the voting books, immediately after the close of their last sitting. (p. 34.—*S.*)

Certificates. To append to each of the alphabetical lists contained in the several voting books a certificate, in accordance with the requirements of the law, within three days after their last sitting; and to append to the registers of their respective hundreds or election districts a certificate that each of said registers is the official register of such hundred or election district, and, so far as is within their knowledge, no false or improper entries have been made therein. (p. 34–35—*S.*)

Powers. To exercise the powers of a justice of the peace at and around the place of registration, as provided in Section 4 of "An act providing for the registration of voters." (p. 20—*S.*)

PRESIDING OFFICERS AND SECRETARIES OF PARTY CONVENTIONS OR COMMITTEES.

Certificate. To certify to Clerks of the Peace, not less than twenty days before the day of election, the nominations made by the party convention, the title of the party which such convention represents, and the party figure or device by which its candidates may be designated on the ballot. (3–4—*G.*)

ELECTION OFFICERS.

Oath. To take the prescribed oaths of office before entering upon their duties. (pp. 13, 16, 98 and 100—*G.*)

Clerk of Election Each of the two judges of election, after being qualified, to choose one clerk of election. (p. 100—*S.*)

Voters' Assistants. To select voters' assistants and assign them a place in the room where the election is being held. (p. 10.—*G.*)

Ballots. To provide ballots in case there shall be found no ballots at the opening of election. (p. 8.—*G.*)

Ballot boxes. To examine ballot boxes and see that the same contain nothing, then to lock the same and deliver the key, &c., as provided by law. (p. 101.—*G.*)

Voting. Not to permit more than one elector for each booth to enter or be in the election room at any one time, nor more than one person to occupy any booth at one time, nor allow any voter to remain in or occupy any booth longer than three minutes. (p. 11.—*G.*)

Entries. To write the word "voted" against the name of any person voting, in the alphabetical list in the voting book in which his name appears. (p. 37.—*G.*)

Disputed ballots To record on the tally list memoranda of disputed ballots and ballots not conforming to the provisions of this act and the con-

Unused ballots. dition of the seal on the ballot packages; to count the unused ballots, destroy the same by fire, and certify on the respective tally lists the number of ballots so destroyed. (p. 14.—*G.*)

Counting of votes To read and count the votes; make and sign two certificates of the election in their hundred according to the forms prescribed in the law; sign the tally lists, which they shall deposit, with one of said certificates, in the box into which the ballots shall be put when read, and other duties as required by law. (p. 103.—*G.*)

Certificates. To make and sign four certificates of the person elected as assessor and inspector for their respective hundreds immediately upon closing the election, and to transmit the same to the proper officers, and to vary the form of said certificates where the hundred has been divided into two or more election districts; and in the latter case the inspector and judges of each election district shall assemble on the day next succeeding such general election at the place and in the manner prescribed by law to ascertain who has been duly elected assessor. (pp. 90–91.—*S.*)

CLERKS OF ELECTION.

Marking ballots. To write their initials, in ink, upon the lower left hand corner of the back of each of the ballots in their ordinary handwriting, without any distinguishing mark; and the clerk having the custody of the ballots to deliver one to each successive elector as called for, and the other clerk to deliver to him a stamp. (9–10—*G.*)

Entries. To write the word "voted" after the name of the voter on the poll list, and to make a minute, opposite the name of any

elector who discloses the name of the candidate and candidates for whom he voted, of such disclosure, and also to make a minute of the delivery of a second ballot in case the first is spoiled, defaced or mutilated. (pp. 11–12—*G.*)

Poll list. To keep, in ink, in books to be prepared and furnished for that purpose, a poll list, as prescribed by law. (p. 63.—*W. hd.*)

Attendance. To be in constant attendance during the hours and times fixed for the discharge of their several duties. (p. 65.—*W. hd.*)

VOTERS' ASSISTANTS.

Oath. To take the prescribed oath and to prepare, in the presence of the elector, and in the presence of each other, the ballot of any elector who declares that, by reason of physical disability or inability to either read or write, or both, he is unable to mark or alter his ballot, and requests their assistance. (pp. 10–12—*G.*)

BOARD OF CANVASS.

Meeting. To meet at the court house of their county on the Thursday next succeeding the day of the general election, at twelve o'clock noon, except in New Castle county, where they shall meet at ten o'clock a. m. (p. 103—*G.*)

Canvass of returns. To ascertain, publicly, the state of the election throughout the county by calculating the aggregate amount of all the votes for each office that shall have been given, in all the hundreds of the county, for every person voted for for such office, and make the required certificates. (pp. 105, 106—*G.*)

COMMISSIONERS.

Division of election districts. To divide hundreds or election districts when they deem necessary and establish the boundaries thereof, and designate each of said newly established election districts by appropriate titles or distinctions; designate the place of holding the elections in said districts, and secure the room for the holding of the same; to appoint inspectors for the new election districts in which the inspector for the original hundred or election district does not reside, and to certify a report of their proceedings to the Clerk of the Peace of the proper county by the first day of March, A. D. 1892. (pp. 13–14—*S.*)

DEPARTMENT OF ELECTIONS.

Oath of office. To take and subscribe the oath of office and file the same in the office of the Clerk of the Peace, within one month from the time of appointment. (p. 46.— *W. hd.*)

Organization. To meet and organize by selecting one of their number to be president for two years from the date of his appointment, and to select one of their number biennially thereafter to be president. (p. 46.— *W. hd.*)

Redistricting. To divide the city into as many election districts as they shall deem necessary, on or before the first day of September next preceding the time of the first registration held under the provisions of law, and every six years thereafter. Provided that each election district shall contain, as near as may be, no more than three hundred, nor less than one hundred qualified voters, and that each of said districts shall be entirely within the boundary of one ward, and on or before the first day of September, 1894, and bennially thereafter, to divide such of the districts as shall be found to have a registration of more than three hundred voters. (pp. 46, 47.— *W. hd.*)

Polling place and place of registry. To designate and appoint a place of registry and polling place in each election district in the city, and not less than two weeks prior to the first day of any registration or revision of registration advertise, by posters or handbills, posted in five of the most public places in each district, the number and boundaries of the district in which they are posted, the time and place of holding the next registration and election in such district, and the officers to be voted for at such election; and to hire all such places, and cause the same to be fitted up, warmed, lighted and cleaned. (p. 47.— *W. hd.*)

Books of Registration. To cause to be prepared books for the registration of names and facts required by law. (p. 47.— *W. hd.*)

Supplies. To prepare and furnish all necessary registers, books, maps, forms, oaths, certificates, blanks, instructions, and a copy of the Wilmington Registration law for the use of the inspectors of elections. (p. 48.— *W. hd.*)

Custody of certain books and papers. To have and retain the custody of all registers, tally lists, books, maps, forms, oaths of office and of removal, blanks, instructions, and all other records and supplies pertaining to the Department of Elections. (p. 48.— *W. hd.*)

Dismissal of election officers. To dismiss any election officer at any time that they may deem proper, and supply his place with another person, (p. 48.— *W. hd.*)

Clerk. To employ a clerk and such other assistance as they may deem necessary. (p. 48.— *W. hd.*)

Record of Deaths. To cause to be delivered to each inspector of elections, in each election district in the city, in each year in which an election is held, on or before the first day of registration, a "Record of Deaths." (p. 49.— *W. hd.*)

Ballot boxes, stamps, &c. To furnish the inspectors with ballot boxes and stamps. (pp. 49, 50.— *W. hd.*)

Appointment of inspectors. To appoint, in the month of August in each year in which a general election is held, three persons for each election district to serve as inspectors of election and to appoint poll clerks for elections, and make all necessary removals and transfers of election officers, and fill all vacancies. (50, 52.— *W. hd.*)

Certificates. To deliver a certificate of appointment to whomsoever shall be nominated, approved, and sworn into office by it as an inspector of election or poll clerk. (51, 52.— *W. hd.*)

Examination, comparison, and delivery of registers. To carefully examine and compare with each other the several registers required to be filed in their office, and make certain corrections therein, and on the morning of the day of the next election, between the hour of seven o'clock a. m. and the time prescribed for opening the polls, deliver to the inspectors the registers made by the inspector of such district, and so corrected. (p. 60.— *W. hd.*)

Office. To meet and fit up some suitable place in the city of Wilmington as an office for the use of the Department. (p. 65.— *W. hd.*)

Notice to Attorney-General. To notify the Attorney-General of all violations of the act providing for the registration of voters in the city of Wilmington. (p. 74.— *W. hd.*)

DUTIES OF OFFICERS

At Municipal Elections in the City of Wilmington.

MAYOR.

Duty as Justice of the Peace. To perform duties of Justice of the Peace at elections. (p. 80.)

Appointment of members of the Department of Elections. To appoint members of Department of Elections to fill vacancies caused by expiration of term of office of present members or to fill other vacancies. (p. 143.)

To be present in his office for receiving returns. To be present in his office from the time of closing polls until 12 o'clock midnight the day of the election, and from the hour of 8 o'clock to the hour of 10 o'clock a. m. of the first Monday after the election, and on the first Tuesday following the election from the hour of 10 o'clock a. m. to 12 o'clock noon. (pp. 161–2.)

CITY SURVEYOR.

Maps. To furnish to the Department of Elections, upon their request, a map or maps of the several wards of said city, or any and all portions thereof. (p. 167.)

CITY COUNCIL.

Vacancies. To fill vacancies temporarily in office of Mayor. (p. 140.)

Certificates. To examine certificates, and in case of tie elect one of the candidates to the office for which he is a candidate. (p. 163.)

Contests. To hear and determine all contests made in accordance with the law by any candidate for any city office. (pp. 163–4.)

CLERK OF CITY COUNCIL.

Presence at office to receive returns, &c. To be present at the office occupied by him from the hour of closing the polls until midnight of the day of the election, and from the hour of 8 o'clock to the hour of 10 o'clock a. m. of the Monday after the election, and on the first Tuesday after election from the hour of 10 o'clock a. m. to 12 o'clock noon. (pp. 161–2.)

INSPECTORS.

Examination. To appear before the Department of Elections within ten days after notice of their selection as inspectors for the purpose of examination, and if found qualified to take the prescribed oath. (pp. 147–8.)

Care of registers. To not permit registers to leave their possession from the time of receiving the custody of the same until they shall file the same, as provided by law. (p. 155.)

Oath. To administer the oath or oaths, provided by law, to any applicant who may be challenged on any day of registration or election. (p. 155.)

Comparing of registers. To be present at their respective polling places at or before the hour of 9 o'clock a. m. on the day of any city election, to carefully compare, before the hour of election, the corrected register with the other registers and the public copy of the register, and make them agree with the corrected register. (p. 154,)

Copy of registers To take possession of the public copy of the registers on the day of the election and return it to the Department of Elections, as provided for the return of registers. (p. 153.)

Poll Clerks. To choose a person or persons to act as poll clerk or clerks if either or both of the poll clerks be not present at the place of election at the time for opening any city election. (p. 164.)

Announcement. To announce, in a distinct manner, the name of any person offering to vote, and if the applicant be decided to be qualified, to make certain entries in the register upon depositing the ballot and to immediately stamp his tax receipt. (pp. 154–5.

Names and residences. To note on register the name and residence of each and every person whose vote shall be received contrary to law, and the

name of the inspector or inspectors who shall receive or deposit in the ballot box any such vote. (p. 155.)

Entries in registers. To write, in ink, immediately after the close of the polls and before proceeding with the canvass of the ballots, opposite the name of each person entered in the registers, who is not shown by said registers to have voted, the word "no;" to then compare the registers, make them agree and ascertain the number of persons who by them are shown to have voted at that poll that day, and announce the same in a loud voice. (p. 157.)

Comparison of registers, &c. To compare the registers as kept by them and attach to them a certificate, in writing, that the same are correctly checked, immediately on the close of the polls on the day of election; and within forty-eight hours after the completion of the canvass of the votes in the election district in which they respectively serve leave the register at the office of the Department of Elections. (p. 155.)

Canvass. To publicly and fully canvass, without adjournment, the votes, as soon as the polls of election shall have been finally closed, and make out and sign the several statements required by law. (pp. 157-8-9-160.)

Destruction of ballots. To destroy certain ballots. (p. 161.)

Delivery of statements. To deliver statements to the Department of Elections, to the Clerk of the City Council, and to the Mayor, at or before the hour of 10 o'clock a. m. on the first Monday after the city elections. (pp. 160-1.)

Receipt for registers, &c. To take receipt for any statement, tally, register, or copy thereof, from the person to whom the same may be delivered, according to law, and to file said receipt in the office of the City Auditor. (p. 161.)

Alphabetical list. To securely attach the alphabetical list of the names of voters having died since the last city election in his district to the inside of the register in his custody, and to make certain entries in the register. (p. 146.)

INSPECTORS ACTING AS REGISTRARS.

Meeting. To meet in their respective election districts at the places and times designated by law and organize as a board by selecting one of their number to act as chairman; to remain in session on each of the days fixed by law, between the hours of ten

o'clock in the forenoon and half-past seven in the afternoon, to receive and examine applications for registration; to administer the oath or affirmation prescribed by law, and to enter in the register the statements and facts required, in the manner prescribed. (pp. 150-1-2.)

Stamping of tax receipts. To stamp the tax receipts presented by persons applying to be registered. (p. 152.)

Certificate. To fill up, date and sign a certificate, as required by law, at the close of each day of registration.

Copy of registers To make a copy of the registers in a book prepared for that purpose, and compare the same and all the registers on each day of any registration before adjourning, and on the last day of any registration in every year in which a city election is held to certify the said copy in the same manner as if it were an original, and within forty-eight hours after the adjournment on said last day of registration leave it suspended in the place where such registration was conducted. (p. 153.)

DEPARTMENT OF ELECTIONS.

Election districts To divide the City of Wilmington into election districts on or before the first day of April in every fifth year; said districts to contain not exceeding three hundred nor less than one hundred qualified voters, and to be entirely within one ward, and to redivide said districts, on or before the first day of April in every year, when the registration shows more than three hundred voters in one district. (p. 144.)

Places of registry and voting. To designate and appoint the places of registry and polling place in each district, and biennially, not less than two weeks prior to the first day of registration, advertise the number and boundaries of districts and designate the time and place of holding the registration, the officers to be voted for, and to hire such places and cause the same to be fitted up, warmed, lighted and cleaned. (p. 144.)

Books, maps, &c To cause books of registration, maps, &c., to be prepared and furnished to election officers. (pp. 144-5.)

Alphabetical record. To, in each year in which a city election is held, cause to be made and delivered to each inspector, on or before the Saturday next preceding the day of election, an alphabetical record

of all male persons twenty-one years of age and upward who have died in the district of said inspector since the last city election. (p. 146.)

Election machinery. — To furnish election officers with necessary election machinery. (p. 147.)

Inspectors and Poll Clerks. — To select for such election district, in the month of April in each year in which a city election is held, three persons to serve as inspectors of elections, and also select poll clerks for city elections, make all necessary removals and transfers and fill all vacancies. (pp. 147-149.)

Certificate. — To give a certificate to whomsoever shall be nominated, approved and sworn into office as an inspector of elections or poll clerk. (pp. 148-9.)

Comparison of registers. — To carefully examine and compare with each other the several registers required to be filed in their office, and to make the proper corrections and entries therein. (pp. 153-4.)

Delivery of registers. — To deliver to the inspectors in each election district, at the polling place therein, the register made by the inspector of such district, as corrected, on the day of the next city election, between 9 o'clock a. m. and the time prescribed for opening the polls. (p. 154.)

When to be present in office. — To be present in their office from the time of closing polls until 12 o'clock midnight of the day of the election, and from the hour of 8 o'clock to the hour of 10 o'clock a. m. of the first Monday after the election. (p. 161.)

Certification of result of election. — To meet in public session, at the City Hall, on the first Monday following each city election, at the hour of 12 o'clock noon, and canvass, declare and certify the result of such election, and on the first Tuesday following the election, between the hours of 10 o'clock a. m. and 12 o'clock noon, deliver and lodge one of the certificates, made as required by law, in the office of the Clerk of the City Council, and the other in the office of the Mayor of the city. (p. 162.)

Certificates. — To make certificates and deliver the same to each person declared to be elected at said election. (pp. 162-3.)

Office. — To rent and fit up some suitable and convenient place in the city for an office. (p. 165.)

POLL CLERKS.

Examination. To appear before the Department of Elections within ten days after notice of the selection as poll clerks for the purpose of examination, and if found qualified to take the prescribed oath. (147-8.)

Entries, To keep, in ink, a poll list in books prepared for that purpose and make certain entries therein. (pp. 156-7.)

Tally. To deliver tally to the Department of Elections and to the Clerk of the City Council. (p. 161.)

Certification of poll list. To certify the poll list to be a true and correct list of the votes cast at the election in their respective election districts, and at or before the hour of 10 o'clock a. m. of the first Monday after the city election to file the same, one in the office of the Department of Elections and the other in the office of the Clerk of the City Council, and to take a receipt from the party receiving the same and to file the said receipt in the office of the City Auditor. (p. 161.)

SAMPLE BALLOT.

SPACE FOR DEVICE.

DEMOCRATIC TICKET.

For Electors of President and Vice President:

CALEB P. JOHNSON,

ROBERT H. HILL,

WILLIAM T. RECORDS.

For Representative in Congress:

JOHN W. CAUSEY.

For Senator:

JOHN K. RICHARDS.

For Representatives:

THOMAS ATTIX,

WILLIAM T. HUTSON,

DANIEL M. RIDGELY,

DAVID D. MARVEL,

GILDER D. JACKSON,

JOHN M. EISENBREY,

PERRY P. RICKARDS.

For Sheriff:

AMOS COLE.

For Coroner:

WILLIAM FOX.

For County Treasurer:

JOHN P. Q. SMITH.

For Levy Court Commissioners:

THOMAS A. REES, For Kenton Hundred.

WILLIAM HARRINGTON, For Little Creek Hundred.

WILLIAM A. COSDEN, For West Dover Hundred.

ROBERT J. BESWICK, For Milford Hundred.

RICHARD ROE, For Mispillion Hundred.

For Assessor:

SAMUEL M. TAYLOR.

For Inspector:

JOHN F. BELL.

SPACE FOR DEVICE.

REPUBLICAN TICKET.

For Electors of President and Vice President:

HENRY DuPONT,

JOSEPH R. WHITAKER,

JOSHUA H. MARVEL.

For Representative in Congress:

HENRY P. CANNON.

For Senator:

JOHN H. HOFFECKER.

For Representatives:

CHARLES G. ROSS,

JOHN H. BISHOP,

EDGERTON R. GRANT,

JOHN W. CASSON,

EZEKIEL COWGILL,

CALEB J. SMITHERS,

ALEXANDER SIMPSON.

For Sheriff:

RILEY MELVIN.

For Coroner:

DR. LUTHER S. CONWELL.

For County Treasurer:

WILLIAM JONES.

For Levy Court Commissioners:

ANDREW H. MOORE, For Kenton Hundred.

NICHOLAS H. VINSON, For West Dover Hundred.

DAVID C. MONTGOMERY, For Little Creek Hundred.

REUBEN HARRINGTON, For Milford Hundred.

WILLIAM H. BROWNE, For Mispillion Hundred.

For Assessor:

FRANK A. MOORE.

For Inspector:

THOMAS H. GULLETT.

SPACE FOR DEVICE.

PROHIBITION TICKET.

For Electors of President and Vice President:

ALLAN GAWTHROP,

WILLIAM DENNEY,

JOHN SMITH.

For Representative in Congress:

DANIEL M. PRICE.

For Senator:

LEWIS M. PRICE.

For Representatives:

WILLIAM F. COLLINS,

EDWARD PLEASANTON,

WILLIAM STEFFY,

JOHN HUTTON,

CHARLES E. FENN,

LEVI STERNER,

WILLIAM G. McMILLAN.

For Sheriff:

BARNEY VEASEY.

For Coroner:

JOHN JONES.

For County Treasurer:

THOMAS BROWN.

For Levy Court Commissioners:

J. M. ARTHURSTON, For Kenton Hundred.

JOSEPH P. ORRE, For West Dover Hundred.

CHARLES P. BAILIS, For Little Creek Hundred.

JOHN S. WILDE, For Milford Hundred.

JOHN DOE, For Mispillion Hundred.

For Assessor:

JAMES B. CLARKSON.

For Inspector:

DR. WILLIAM H. SMITH.

SPACE FOR DEVICE.

For Electors of President and Vice President:

For Representative in Congress:

For Senator:

For Representatives:

For Sheriff:

For Coroner:

For County Treasurer:

For Levy Court Commissioners:

For Kenton Hundred.

For West Dover Hundred.

For Little Creek Hundred.

For Milford Hundred.

For Mispillion Hundred.

For Assessor:

For Inspector:

LAWS OF DELAWARE.

VOLUME XIX.

TITLE FOURTH.

Of Elections.

CHAPTER 37.

AN ACT to provide for the Secrecy and Purity of the Ballot.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That hereafter it shall be the duty of each inspector of elections in this State, outside of the city of Wilmington, to provide a room for the holding of any general or special election in his hundred or election district which shall be adapted to the requirements of this act. Said room shall be at the place now or which may hereafter be established by law in each hundred or election district for the holding of elections, or in as close proximity thereto as practicable, having due regard to the convenience of the voters. *Provided*, however, that if any inspector shall select a place for the holding of any general or special election in his hundred or election district, other than the one established by law, he shall do it in time to give the notice of holding such election required by law. Said room shall have a door or entrance of easy or convenient access, and if practicable, a separate means of exit. It shall be provided on the outside with a passage at least four feet wide and with a railing, rope or wire on each side commencing at least thirty feet away from and leading to the entrance to such place of election and passing the place assigned for the challengers and thence to the entrance of the room in which the election is held.

Duty of Inspector to provide a room for holding elections.

Place of holding elections.

Notice of change of place of holding election.

Plan of room and entrance.

OF ELECTIONS.

Interior appliances of room.

The inspector shall provide for the room a railing therein separating the part of the room to be occupied by the election officers from the remainder of the room. He shall also provide a suitable table and chairs for the use of the election officers. The table shall occupy such a position in said room as to enable the election officers and the challengers hereinafter provided for to easily communicate with each other.

Booths.

He shall cause to be constructed in the room at least one booth for every one hundred and fifty voters or fractional part thereof in each hundred or election district; *provided* that there shall not be less than three booths at any one hundred or election district.

Size and arrangement of booths.

The booths shall be at least three feet square and six feet high if the ceiling will admit it. They shall each contain a shelf properly constructed and provided with pen and ink and they shall be so constructed and arranged that all the election officers in the room can see whether more than one voter enters any one of them at any one time.

Duty of the department of elections in the city of Wilmington, in providing conveniences for elections.

In the city of Wilmington it shall be the duty of the Department of Elections to select the voting place in each election district within the city and to provide the room in which the election is to be held and to protect the same with the required railing or rope and to construct therein the necessary number of booths and to do all other things required to be done by the inspectors of election outside of the city of Wilmington in and about the furnishing and fitting up of said room.

Challengers.

SECTION 2. Each of the political parties may select and accredit some suitable person as a challenger to stand without the door or entrance of the room in which the election is to be held, and by the side of the passage hereinbefore provided for; and in case of failure of any or all of the political parties to select such person or persons as challenger or challengers it shall be the duty of the inspector and judges to make such selection or selections, *provided* that the challengers may be changed and their places filled in like manner during the day.

What shall constitute a political party under this act.

SECTION 3. A political party within the meaning of this act shall be an organization of bonafide citizens and voters of any county in this State, which shall by means of a convention, primary election or otherwise, nominate candidates for public offices to be filled by the people at any general or special election within the State. No organization shall be regarded as a political party that does not represent at least

one hundred bonafide citizens and voters of the county in which it exists. If the Clerk of the Peace should have any doubt as to the sufficiency of the number of bonafide voters represented by any organization in any county, he may demand a certificate of twenty-five voters belonging to such an organization as to that fact.

Clerk of the Peace may demand certificate of organization

SECTION 4. The Clerks of the Peace for the several counties shall cause to be printed on the ballots, herein provided for, the names of the candidates nominated by the parties recognized by them as political parties within the meaning of this act. The nomination of the candidates for the office of Governor, Representatives in Congress and Presidential Electors shall be certified to the several Clerks of the Peace by the presiding officer and secretary of the several State party conventions or committees, and the nominations of the candidates for the county, hundred and district offices shall be certified to the respective Clerks of the Peace of the county in and for which such nominations have been made by the presiding officer and secretary of the proper party convention or committee. The certificate shall be in writing and shall contain the name of each person nominated, his residence and the office for which he is nominated. The persons making such certificate shall add to their signatures their respective places of residence and shall acknowledge said certificate before an officer duly authorized to take acknowledgments of deeds, and a certificate of such acknowledgment shall be affixed to the instrument.

Clerks of Peace to print ballots.

Nomination to be certified to Clerk of the Peace.

Form of certificate.

The certificate shall also designate a title for the party which such convention or committee represents together with any simple figure or device by which its list of candidates may be designated on the ballot. *Provided* that the figure or title or device selected and designated by the State convention or committee of any party shall be used by that party throughout the State; only one figure or device shall be used by a party at any election. The same title, figure or device shall not be used by more than one party, and the party first certifying a name, title, figure or device to the Clerks of the Peace shall have the prior right to use the same. Such figure or device may be the figure of a star, an eagle, a plow, or some such appropriate symbol, but the coat of arms or seal of the State, or of the United States, or the flag of the United States, shall not be used as such figure or device.

Certificate to designate figure or device of party

Figures or devices of parties.

What figures or devices may be used.

What shall not be used.

OF ELECTIONS.

Death, resignation or removal of candidates.

In case of death, resignation or removal of any candidate subsequent to nomination a supplemental certificate of nomination may be filed by the proper officers of the State, county, district or hundred committees.

In case of division and factions in parties, who shall use party figure or device.

In case of a division in any party and claim by two or more factions to the same party name or title, figure or device, if the division occurs at a State convention, or extends throughout the State, the Clerks of the Peace of the several counties shall, within ten days after any one of them has received the certificates of the contending factions, assemble in the office of the Clerk of the Peace at Dover and determine which faction the name, title or figure properly belongs to, giving the preference to the convention held at the time and place designated in the call of the regularly constituted party authorities; and if within five days thereafter the other faction shall present no other party name or title, figure or device and certify the same to the Clerks of the Peace the latter shall again immediately assemble and select some suitable title figure or device for said faction and the same shall be placed above the list of their candidates on the ballots. If the certificate of the contending factions shall not be received by the Clerks of the Peace in time for them to assemble at Dover before publishing the device and list of candidates in the newspapers, then and in that case each Clerk of the Peace shall determine for himself which faction shall be entitled to the name, title, figure or device and shall select a name, title, figure or device for the other faction. *Provided* that in case of division in any party extending only throughout a county, district or hundred, the Clerk of the Peace of the County in which such division occurs upon the receipt of certificates from the contending factions shall determine which faction is entitled to the party name, figure or device and to have their nominations printed in the proper party column, and should the other faction fail to do so the Clerk of the Peace shall select for them a name or title, figure or device.

How decided.

Clerk of the Peace to preserve all certificates of nominations

SECTION 5. The Clerks of the Peace of the several counties shall cause to be preserved in their respective offices all certificates of nominations filed under the provisions of this act for six months after the date of the filing thereof.

Time of filing certificates of nominations

SECTION 6. Certificates of nominations herein directed to be filed with the Clerks of the Peace shall be filed not less than twenty days before the day fixed by law for the election of the persons in nomination.

OF ELECTIONS.

SECTION 7. At least ten days before an election to fill any public office the Clerk of the Peace of each county shall cause to be published in at least two newspapers within his county the nominations to office certified to him as directed in Section 4. He shall make no less than two publications in each of such newspapers before election. Such publications shall be made in two newspapers representing the two principal political parties. *Provided*, that in all cities where a daily newspaper is published such notice shall also be published in two daily papers representing such political parties, if such there be. The lists of nominations published by the Clerk of the Peace shall be arranged as far a practicable in the order and form in which they will be printed upon the ballots and shall designate the devices under which the lists of candidates of each party will be printed. The Clerk of the Peace shall not include in the publication to be made according to this section the name of any candidate whose certificate of nomination shall have been filed in his office who shall have notified him in writing duly signed and acknowledged that he will not accept the nomination. The names of such candidates shall not be included in the names of the candidates to be printed on the ballot as hereinafter provided.

Publication of nominations.

In what newspapers published.

Arrangement of nominations for publication.

What nominations shall be excluded from publication and from the ballots.

SECTION 8. The Clerk of the Peace in each county shall cause the names of all candidates to be voted for in his county and the several hundreds or districts in the same to be printed in parallel columns on one ballot, all nominations of any party being placed under the title and device of such party as designated by its authorized agent or agents in the certificate or certificates; or if none be designated under some suitable title and device to be selected by the Clerk of the Peace. The ballots shall be of uniform size and of the same quality and color of paper and sufficiently thick that the printing cannot be distinguished from the back. The arrangement of the ballot shall in general conform as nearly as possible to the plan hereinafter given and the device named and chosen and the list of candidates of the Democratic party shall be placed in the first column on the left hand side of said ballot; of the Republican party in the second column and of any other party in such order as the Clerk of the Peace shall decide.

Clerks of the Peace to print ballots.

Size, form, style and color of ballots.

OF ELECTIONS.

Arrangement of ballots.

DEM.	Device. Democratic Ticket.	REP.	Device. Republican Ticket.
DEM.	For Governor: A. B.	REP.	For Governor: E. F.
DEM.	For Representative in Congress: C. D.	REP.	For Representative in Congress: G. H.

Death, removal or resignation of candidates after printing of ballots

SECTION 9. In case of the death, removal or resignation of any candidate after the printing of such ballots and before such election, it shall be lawful for the chairman of the State, county, hundred or district political organization by which such candidate was nominated to make a nomination to fill such vacancy and to provide the election officers of each election district in which such candidate is to be voted for with a number of pasters containing only the name of such candidate at least equal to the number of ballots provided for each election district, but no pasters shall be given to or received by any one except such election officers and such chairman, and it shall be the duty of the clerks of election to put one of such pasters in a careful and proper manner and in the proper place in each ballot before they shall sign their initials thereon.

New nomination, pasters, etc.

Duty of clerks of election in using such pasters.

Printer of ballots to allow no ballots to be taken out, nor to print in any other form.

SECTION 10. If the printer of such ballots or any person employed in printing the same shall give or deliver or knowingly permit to be taken any of said ballots by any person other than the Clerk of the Peace for whom such ballots are being printed or shall print, or cause or permit to be printed any ballot in any other form than the one prescribed by this act or with any other names thereon than those authorized by the Clerk of the Peace or with the names spelled or the names or devices thereon arranged in any other way than that authorized and directed by the said Clerk of the Peace, he shall be guilty of a misdemeanor and on conviction thereof shall be fined not less than one hundred dollars nor more than five hundred dollars, or be imprisoned in the county jail not less than one nor more than five years or both at the discretion of the Court.

Penalty.

Number of ballots to be printed.

SECTION 11. The Clerk of the Peace in each county shall cause to be printed within the State of Delaware in the

form hereinbefore provided four ballots for every voter in each hundred or election district in his county, and the number of voters shall be ascertained in each hundred or election district by reference to the highest number of votes polled therein at any preceeding election with due allowance for any estimated increase thereof. If a new election district has been established in his county the number shall be estimated by said Clerk of the Peace according to the best information he can obtain.

Number of voters; how ascertained.

The Clerk of the Peace shall cause the ballots for each hundred or election district to be carefully wrapped and tied in two packages each containing the same number of ballots, which packages shall be plainly marked and securely sealed with wax.

Packages of ballots.

The Clerk of the Peace in each county shall also provide and enclose in each of said sealed packages one stamp for every three hundred ballots contained in the package, bearing a (*) or such other device as he may select together with ink pads or other necessary apparatus ready for use.

Stamp.

SECTION 12. It shall be the duty of each inspector of election outside of the city of Wilmington to appear at the office of the Clerk of the Peace of his county on the day preceding the election before the hour of three o'clock in the afternoon and the Clerk of the Peace shall deliver to him one of the sealed packages of ballots and stamps for his hundred or election district and the said inspector shall safely keep the said package and produce the same at the place of election and at the time of the opening of the election, *provided*, however, that in case there shall be a vacancy in the office of any inspector on the day preceding the election or any inspector for any cause shall not apply to the proper Clerk of the Peace for the package of tickets printed for his hundred or election district by the hour of three o'clock in the afternoon of the day preceding the election the said Clerk of the Peace shall deliver said package to some trusty person who shall deliver it on the day of the election to the inspector of election of such hundred or election district at the place of election and immediately upon the qualification of the election officers.

Duty of Inspectors of election to appear at the office of Clerk of the Peace to receive ballots on day before election

To keep safe

Failure of the inspector to call for tickets, Clerk of the Peace to deliver to whom.

In the city of Wilmington it shall be the duty of the President of the Department of Elections or in case he cannot attend some other member of the Department of Elec-

To whom tickets delivered in the city of Wilmington.

tions authorized in writing by the President of the Department of Elections to appear at the office of the Clerk of the Peace of New Castle county on the day preceding each election on or before the hour of three o'clock in the afternoon and the said Clerk of the Peace shall deliver to him one of the sealed packages and stamps for each election district in the city of Wilmington. And the said department of elections shall safely keep the same and deliver to each board of election officers at the polling place on the day of the election at the time provided by law for the delivery of the ballot boxes the ballots intended for their several and respective districts.

Penalty of election officer or other person breaking package containing ballots, etc., before opening of election.

SECTION 13. Any inspector or any other election officer or any other person whatever who shall break any package containing ballots and stamps or take any ballot therefrom, or suffer the same to be done by another, before the opening of the election shall be deemed guilty of a misdemeanor and upon conviction thereof by indictment shall be fined not less than three hundred dollars nor more than five hundred dollars and may at the discretion of the court be imprisoned for a term not less than one year nor more than two years.

Loss or distruction of ballots.

SECTION 14. If by any accident or casualty the ballots delivered to any inspector or other person by any Clerk of the Peace shall be lost or destroyed it shall be the duty of such person having such packages in his custody to report the loss at once to the Clerk of the Peace from whom the same were obtained and make affidavit of the circumstances

New supply of ballots.

of the loss whereupon such Clerk of the Peace shall at once re-supply such person. In case such person having in custody said package fails or refuses to report and make proof of the loss, any qualified elector may do so, and thereupon such Clerk of the Peace shall at once send a new supply by

In case election officers find no ballots or means of voting at election.

some trusty person as provided in other cases. In case, for any reason, there should be found no ballots or other necessary means or contrivances for voting, at the opening of the election it shall be the duty of the election officers at such election place to secure the same as speedily as possible, and, if necessary, such election officers shall have ballots printed

Proviso.

or written; *provided*, *however*, that such ballots shall conform as nearly as possible to the official ballots and the printing and the preparation and the care of the same shall be under the same provisions and penalties as the printing and the care of the other ballots prescribed in this act.

OF ELECTIONS.

SECTION 15. At the opening of the election, after the qualification of the several officers and in the presence of the others the inspector or the chairman of the board of inspectors shall open the package of ballots in such a manner as to preserve the seals intact. He shall then deliver to the clerk of the election of the opposite political party from his own, twenty-five of the ballots and to the other clerk of the election the stamps for marking the ballots. The clerks of the election shall at once proceed to write their initials, in ink, on the lower left hand corner of the back of each of the said ballots, in their ordinary handwriting, and without any distinguishing mark of any kind. As each successive elector calls for a ballot the clerk of the election having the custody of the ballots shall deliver to him the first signed of the twenty-five ballots, and the inspector shall immediately deliver to the said clerk of the election another ballot which the clerks of the election shall at once countersign, as before, and add to the ballots already countersigned, so that it shall be delivered for voting after all of those theretofore countersigned.

Opening of package of ballots.

Duty of clerk of election.

Delivery of ballots.

SECTION 16. The Clerk of the Peace of each county shall cause to be printed in large type on cards, in English and such other language as he may deem necessary, instructions for the guidance of electors in preparing their ballots. He shall furnish twelve of such cards in each of the languages determined upon by him to each of the election inspectors at the same time he delivers to him the ballots for his hundred or election district. Each inspector shall cause to be posted one of each of said cards in each place or compartment provided for the preparation of ballots, and one of each kind of such cards at or near to the outer end of the enclosure leading to the polling place, and not nearer than thirty feet of the polling place, and not less than three of each of such cards, and three samples of each of the ballots in and about the polling place at the opening of the polls on the day of election, which sample ballots shall be printed on different colored paper than the genuine ballots. Said cards shall contain full instructions to the voters as to what must be done: First, to obtain ballots for voting; second, to prepare the ballots for voting; third, to obtain a new ballot in place of one accidentally defaced, mutilated or spoiled, also copies of Sections 24, 32, 33, 34 and 35 of this act.

Instructions for voting.

Inspectors to have cards posted.

Form of cards of instruction.

OF ELECTIONS.

Challengers, where to stand.

SECTION 17. One challenger appointed and designated by each political party as hereinbefore provided shall be entitled to stand at the side of the passage and near the entrance to the room. No other person shall remain within thirty feet of said entrance except for the purpose of offering his vote, and voters shall approach and enter the passage in the order in which they appear for the purpose of voting. If any person offering to vote shall be challenged by one of such challengers or by any one of the election officers his right to vote shall be at once determined by the proper officers and if his vote is refused he shall immediately stand aside and give place to the person next in line and retire without delay from within the thirty feet space around the entrance to the room.

No other persons, except to vote, to be within 30 feet of entrance.

Challengers.

Voters' assistants.

SECTION 18. Before opening the election the inspector and judges of each hundred or election district shall select an honest and capable man from each of the two principal political parties who shall occupy a place within the room where the election is being held assigned to them by the inspector and judges. It shall be their duty when called upon to assist any voter in the preparation of his ballot when from any cause he is unable to do so and to assist any other voter in changing or altering his ballot who cannot read and write or cannot do either in the manner hereinafter prescribed. The persons so chosen shall be called the voters' assistants, and shall be deemed to be election officers, and such persons before entering upon their duties shall take the oath hereinafter prescribed, the said oath to be administered by the inspector.

Duty of voters' assistants.

Oath.

Admission of voter to election room.

SECTION 19. When a voter shall have been passed by the challengers he shall be admitted to the election room. *Provided*, *however*, that there shall not be in the room at any one time more than one voter for each booth therein. On entering the room the voter shall announce his name to the clerks of election who shall register it. The clerk holding the ballots shall deliver to him one ballot and the other clerk shall deliver to him a stamp and both the voters' assistants, on request, shall give explanation of the manner of voting; if deemed necessary, by unanimous consent of the election officers an interpreter may be called. The voter shall then, and without leaving the room, go alone into any of the booths which may be unoccupied and indicate the candidates for whom he desires to vote by stamping the square immediately

Number of voters admitted to election room.

Ballot and stamp, by whom delivered.

Duties of voter.

Preparing ballot.

preceding their names: *Provided, however*, that if he shall desire to vote for all candidates of one party and none other, he may place the stamp on the square preceding the title under which the candidates of such party are printed, and the vote shall then be counted for all the candidates under that title, unless the names of one or more candidates under another title shall also be stamped, in which case the names of the candidates so stamped shall be counted. Any voter while in the booth may erase the name of any candidate and substitute the name of any person in any column of the ballot which shall stand in lieu of the original name. Such alterations and changes in the printed ballot shall be made by pen and ink only. Before leaving the booth or compartment the voter shall fold his ballot so that no part of the face thereof shall be exposed and so that the initials of the clerks of the election shall be exposed, and on leaving the booth or compartment shall return the stamp to the clerk of the election and deliver the ballot to the inspector or to the judge who may temporarily be authorized to act for the inspector who shall forthwith in the presence of the voter and of the other election officers deposit the same in the ballot box; and the clerks of the election shall write the word "voted" after the name of the voter on the poll list: *Provided, however*, that if any elector shall show his ballot, or any part thereof to any other person after the same shall have been marked, so as to disclose any of the candidates voted for, such ballot shall not be deposited in the ballot box. A minute of such occurrence shall be made on the poll list and such person shall not be allowed to vote thereafter. The voter shall immediately after voting leave the room and upon his refusal to do so may be ejected therefrom, but no voter to whom a ballot and stamp, or either, have been delivered shall be permitted to leave the room without voting the ballot or returning it to the clerk of the election or without returning the stamp to the clerk of the election from whom he received it. Any voter who shall attempt to leave the room with the ballot or stamp in his possession shall be at once arrested on demand of an election officer.

Proviso.

Erasures.

Alterations and changes How made.

Ballots; how folded.

How deposited.

Duty of clerks.

Proviso.

What ballots shall not be deposited.

No voter to leave the room with ballot and stamp.

To be arrested.

SECTION 20. Not more than one person shall be permitted to occupy any booth at one time; and no person shall remain in or occupy a booth longer than may be necessary to prepare his ballot, and in no event longer than three minutes. No more than one person for each booth in the room other than the election officers shall be permitted to enter or be in the

Number of persons in room at one time.

Time for voting. Conversation.

election room at any one time, and no voter or person offering to vote shall hold any conversation or communicate with any other person than an election officer while in the election room.

Defaced or mutilated ballots.

SECTION 21. Any person who shall by accident or mistake, spoil, deface, or mutilate his ballot may, on returning the same to the clerks of the election and satisfying them that such spoiling defacing or mutilation was not intentional, receive another in place thereof, and such clerk shall make a minute of the facts on the poll lists at the time, and the mutilated ballot shall then be destroyed by the elector in the presence of the election officers.

Voters' assistants to prepare ballots, etc. When.

SECTION 22. Any elector who declares that by reason of physical disability or inability either to read or write, or both, he is unable to mark or alter his ballot, may call to his assistance the voters' assistants who, in the presence of the elector and in the presence of each other, shall prepare the ballot for voting in the manner hereinbefore provided, and on request shall read over to such elector the names of the candidates as marked or written. Any one making a false declaration under the provisions of this section shall upon conviction be fined in any sum not exceeding one hundred dollars, and any voters' assistant who shall deceive any elector in selecting and marking any ballot, or mark the same in any other way than is requested by said elector shall be guilty of a misdemeanor and, on conviction, shall be fined not less than two hundred dollars nor more than five hundred dollars and may at the discretion of the court be imprisoned for a term not exceeding five years.

Penalty for false declaration.

Penalty for assistant deceiving voter

What ballots not deposited.

SECTION 23. No inspector of election, or judge acting for the inspector, shall deposit any ballot upon which the initials of the clerks of the election as hereinbefore provided for does not appear or any ballot on which appears externally any distinguishing mark, defacement or mutilation.

Penalty for removing or attempting to remove ballots or stamps from room, or having any ballot or stamp outside election room.

SECTION 24. Any person who shall remove or attempt to remove a ballot or stamp from the election room, or have in his possession outside of the election room any ballot or stamp, either genuine or counterfeit, during the election, shall be guilty of a misdemeaner, and, on conviction thereof by indictment, shall be fined not less than two hundred

dollars and not more than five hundred dollars or may be imprisoned for a term not exceeding two years and not less than one.

Oaths of election officers.

SECTION 25. That the election officers, including the voters' assistants, before entering upon the duties of their office shall each take an oath that he will not disclose the name of any voter who may change or alter his ballot or for whom he voted or how he marked his ballot; that he will not in any manner attempt to influence, intimidate, persuade, bribe or coerce any voter in the marking of his ballot or in the making of the choice of the person or persons for whom he votes, and any election officer or voters' assistant who shall violate his oath in any of these particulars shall be guilty of willful and deliberate perjury and upon conviction thereof by indictment he shall in addition to the penalties and disabilities annexed to such crime be fined not more than five hundred dollars and may at the discretion of the court be imprisoned not exceeding two years.

Violation of oath, penalty.

Governor to appoint 3 Commissioners for each county.

Duties of Commissioners.

Place of voting in new election districts.

Inspectors.

SECTION 26. That the Governor be and he is hereby authorized and empowered to appoint three commissioners for each of the counties of this State, one of whom in each county shall be a member of a political party opposite to the one of which the other two are members. It shall be the duty of said commissioners within a reasonable time after their appointment to ascertain as nearly as possible the number of legal voters in each of the hundreds and election districts in their respective counties, outside of the city of Wilmington, and if they shall be satisfied that the voters of any one hundred or election district will not be able to conveniently vote therein at the next succeeding election then the commissioners of the county in which such hundred or election district is located shall divide it into two or more election districts and shall establish the boundaries thereof. They shall also designate the place of holding the election in each of the said newly established election districts and secure the room for the holding of the same. They shall also designate each of said districts by appropriate titles or distinctions. The inspector of such hundred or election district shall be the inspector of the district established by the division aforesaid in which he may reside at the time of the said division and the said commissioners shall appoint for the other newly established district or districts an inspector or inspectors from the party to which the other in-

Performance of duties, within what time.

spector belongs. The duties herein imposed upon the commissioners aforesaid shall be performed by the first day of March, A. D. 1892, and a report of their proceedings certified to the Clerk of the Peace of the proper county. The election districts so established and certified by the Commissioners shall be election districts of the respective counties and shall remain such until altered or changed by law and all the laws applicable to the election districts shall be applicable to them.

What ballots not counted.

SECTION 27. In the counting of the votes any ballot which is not endorsed with the initials of the clerks of the election as provided in this act, and any ballot which shall bear any distinguishing mark shall be void and shall not be counted, and any ballot or part of a ballot from which it is impossible to determine the elector's choice of candidates shall not be counted as to the candidate or candidates affected thereby; *provided*, however, that such ballots and all disputed ballots shall be preserved by the inspector and at the close of the count placed with the seals of the ballot packages in the box into which the ballots shall have been put when read. The election officers shall also record on the tally list memoranda of such ballots and the condition of the seal of the ballot packages; and in any contest of election such ballot and seals may be submitted in evidence. Immediately on closing the polls all the ballots remaining unvoted or unused shall be counted and destroyed by the election officers of the several hundreds or election districts by totally consuming by fire, and the election officers shall certify the number of ballots so destroyed by them on the respective tally lists.

Proviso.

Disputed ballots to be preserved.

Memoranda

Remaining ballots destroyed, how

Clerks of the Peace to destroy ballots left over.

The several Clerks of the Peace shall preserve the ballots left over in their hands after supplying the hundreds and election districts, as hereinbefore provided, until six o'clock P. M. of the day of election, and shall then count and destroy, by totally consuming by fire, all of such ballots but one, which he shall preserve in his office as a record together with his certificate of the number of ballots counted and destroyed by him.

Penalty for neglect or refusal of Clerk of the Peace to perform the duties under this act.

SECTION 28. If any Clerk of the Peace or his clerk or any one acting for him shall neglect or refuse to have the ballots and stamps printed and prepared according to the provisions of this act, or shall neglect or refuse to deliver them in time to the parties properly entitled to receive

them, or shall neglect or refuse to do or perform any other duty in and about the preparation and distribution of the ballots and stamps required to be done and performed by him by the provisions of this act, he shall be deemed guilty of a misdemeanor and shall be fined not less than one nor more than five thousand dollars and he may in the discretion of the Court be imprisoned for not less than one nor more than five years.

Penalty for election officers or voters' assistants revealing certain knowledge.

SECTION 29. If any person being an election officer or a voters' assistant shall reveal to any person how any elector has voted or what person or persons were voted for by him on any ballot or give any information concerning the appearance of any ballot voted, such person or persons so offending shall be guilty of a misdemeanor and on conviction thereof by indictment shall be fined not more than five hundred dollars and shall be imprisoned not less than two years and not more than five years.

Penalty for falsely or fraudulently destroying, etc., any certificate of nominations

SECTION 30. Any person who shall falsely make or fraudulently deface or fraudulently destroy any certificate of nomination, or any part thereof; or file any certificate of nomination knowing the same or any part thereof to be falsely made; or suppress any certificate of nomination which has been duly filed or any part thereof; or forge or falsely make the official indorsement of any ballot; or print or cause to be printed any imitation ballot or circulate the same; or conspire with others to do any of said acts, or induce or attempt to induce any other person to do any of said acts whether or not said acts or any of them be committed or attempted to be committed, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than one hundred nor more than five hundred dollars or imprisoned in the discretion of the court not more than five years.

Penalty for violation of any provisions of this act.

SECTION 31. If any Clerk of the Peace, inspector of election, clerk of election or judge of elections or trusty person or voters' assistant shall willfully violate any of the provisions of this act in the performance of any duty herein imposed upon him for the violation of which no other punishment is herein provided he shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than three nor more than five hundred dollars and may in the discretion of the court be imprisoned for a term not exceeding three years.

OF ELECTIONS.

Duty of Sheriff.

SECTION 32. The Sheriff shall make the ballot boxes and the tally lists and all other papers to be delivered to the several inspectors conform to the requirements of this act. The inspector or the trusty person for his services in receiving and delivering at the place of holding the election as aforesaid the packages containing the ballots and stamps shall receive two dollars.

Compensation of inspector or trusty person.

Penalty for entering or attempting to enter election room or railing contrary to this act.

SECTION 33. If any person not herein authorized so to do shall enter or attempt to enter the election room, or enter or attempt to enter within the railing leading to the entrance of the election room, or shall remain within thirty feet of the polling place contrary to the provisions hereinbefore made, he shall be guilty of a misdemeanor and on conviction thereof be fined not more than two hundred dollars.

Distinguishing marks on ballot. Penalty for making.

SECTION 34. If any person shall induce or attempt to induce any elector to write, paste or otherwise place on his ballot the name of any person or any sign or device of any kind as a distinguishing mark by which to indicate to any other person how such elector has voted, or shall enter into or attempt to form any agreement or conspiracy with any other person to induce or attempt to induce electors or any electors to so place any distinguishing mark or name on his ballot whether or not said act be committed or attempted to be committed, such person so offending shall be guilty of a misdemeanor and on conviction be imprisoned for not exceeding two years.

Inducing election officers to violate the provisions of this act.

Duty of inspector.

Oath of election officers.

SECTION 35. If any person shall induce or attempt to induce any election officer to violate any of the provisions of this act whether or not such election officer shall violate or attempt to violate any of the provisions of this act, such person so offending shall be guilty of a misdemeanor and on conviction shall be imprisoned for a term not exceeding five years. It shall be the duty of each inspector to distinctly read this and the preceding section to the election officers at the opening of the polls and each member thereof shall thereupon take an oath that he has not violated and will not violate the provisions of said sections.

Penalty for tearing down or destroying conveniences at voting place.

SECTION 36. Any person who shall during the election remove or destroy any of the supplies or other conveniences placed in the booths as aforesaid or delivered to the voter for the purpose of enabling the voter to prepare his ballot, or shall during an election remove, tear down or deface the

cards printed for the instruction of the voters, or shall, during an election destroy or remove any booth, railing or other convenience provided for such election, or shall induce or attempt to induce any person to commit any of such acts whether or not any such acts are committed or attempted to be committed, shall be guilty of a misdemeanor, and on conviction shall be punished by imprisonment for not less than six months nor more than one year.

Compensation of Commissioners.

SECTION 37. The commissioners for dividing the hundreds or election districts shall receive two dollars per day for actual services rendered by them; *provided* that no commissioner shall receive more than the sum of twenty-five dollars. The fees of the commissioners and all necessary costs and expenses incurred by the inspector and Clerks of the Peace in carrying into effect the provisions of this act shall be paid as other county expenses are paid.

Proviso.

Expenses how paid.

To what elections the provisions of this act apply.

SECTION 38. This act shall apply to all municipal elections held in the city of Wilmington except the election to be held on the sixth day of June, A. D. 1891, but it shall not apply to the special election to be held on the third Tuesday in May, A. D. 1891, nor to the election for members of the Board of Education in the city of Wilmington.

Inconsistent acts repealed

SECTION 39. All acts or parts of acts inconsistent with this act are hereby repealed.

Passed at Dover, May 15, 1891.

CHAPTER 38.

OF ELECTIONS.

AN ACT providing for the Registration of Voters.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Qualifications of voters at general elections.

SECTION 1. In all elections for Governor, Senators, Representatives, Sheriffs, Coroners, or any other county or State officers, of Representatives in Congress, or of Electors of President and Vice President, every male citizen of the age of twenty-two years and upwards, having resided in the State one year next before the election, and the last month thereof in the county where he offers to vote, and having within two years next before the election paid a county tax which shall have been assessed at least six months before the election, shall enjoy the right of an elector; and every male citizen of the age of twenty-one years, and under the age of twenty-two years, having resided as aforesaid, shall be entitled to vote without payment of any tax; *provided*, that no person in the military, naval or marine service of the United States shall be considered as acquiring a residence in this State by being stationed in any garrison, barrack, or military or naval station within this State; and no idiot or insane person, pauper, or person convicted of a crime deemed by law felony, shall enjoy the right of an elector.

Proviso.

Governor to appoint a Registrar for each hundred or election district.

SECTION 2. That for the purpose of preventing fraud at such elections and facilitating the ascertainment of those who are duly qualified electors, according to the constitution and laws of the State, the Governor shall, at least six months before every general election, appoint in each hundred, or election district where a hundred is divided into two or more election districts, in this State (outside the city of Wilmington) one capable person, who shall be a voter and resident in the district for which he shall be appointed, to be Registrar for the said hundred or election district. The terms of office of such Registrars shall begin on the third Tuesday of May next after their appointment and shall continue for two years thereafter, or until their successors shall be duly chosen and qualified.

Term of office.

OF ELECTIONS.

Alternate Registrars.

It shall also be the duty of the Governor, when appointing Registrars for the several hundreds or election districts of this State (outside the city of Wilmington), at the same time to appoint in each hundred or election district in the State (outside the city of Wilmington) one capable person, who shall be a voter and resident in the hundred or election district for which he shall be appointed, to be Alternate Registrar for the said hundred or election district.

Term of office of Alternate Registrar.

The term of office of said Alternate Registrar shall be the same as that of the Registrar, and whenever any Registrar provided for by this act shall be incapable from any cause whatsoever of performing the duties required of him by this act, the Alternate Registrar in the same hundred or election district shall act in his stead, and while acting shall possess all the powers and do and perform all the duties of a Registrar, and make all the appointments hereinafter required to be made by the Registrar in certain contingencies. But nothing herein contained shall authorize or empower the Alternate Registrar to act at any time when there is a Registrar of the hundred or election district able and willing and present to act.

Powers and duties.

When Alternate Registrar cannot act.

Vacancy by removal or disqualification.

If any such Registrar or Alternate Registrar shall remove from the hundred or election district for which he shall be appointed, or shall cease to be a voter therein, his office shall thereupon become vacant; and the Governor shall have power at any time to remove from office any Registrar or Alternate Registrar for incompetency, or misconduct, or because disqualified by sickness from performing the duties of his office.

Governor to fill vacancy.

If any vacancy or vacancies should occur in the office of Registrar or Alternate Registrar before the expiration of such term, from any cause whatsoever, the Governor shall appoint a suitable person to fill such vacancy or vacancies, who shall serve for the residue of such unexpired term, and shall be qualified in the same manner, possess the same powers and perform the same duties as the original appointee.

Oath of Registrar and Alternate.

Each Registrar and Alternate Registrar, before entering upon the duties of his office, shall take and subscribe, before the Clerk of the Peace of the county in which he shall reside, the following oath:

OF ELECTIONS.

Form of oath

"I, ————————, residing in ———————— hundred, (or in ———————— election district of ———————— hundred), in ———————— county, do solemnly swear (or affirm) that I will support the Constitution of the United States of America, that I will support the Constitution of the State of Delaware, and that I will perform the duties of the office of Registrar (or Alternate Registrar) for ———— ———— hundred (or ———————— election district in ———————— hundred), faithfully, honestly, fairly and impartially; that I am a citizen of the United States of America and of the State of Delaware, and am not and will not be a candidate for any office to be voted for by the electors of the hundred (or election district) for which I am appointed Registrar (or Alternate Registrar); and that I am a qualified voter in said hundred (or election district)."

Time within which oath is to be taken

SECTION 3. Each and every person appointed as aforesaid to act as Registrar or Alternate Registrar shall qualify as such Registrar or Alternate Registrar by taking and subscribing the oath prescribed in the preceding section within ten days after being notified of said appointment, and shall perform the duties of the office for the time for which he was appointed, unless he shall become disqualified by sickness or otherwise, or be removed from office as hereinbefore provided. But any Registrar or Alternate Registrar, who shall be appointed to fill a vacancy, shall qualify forthwith. And if any Registrar or Alternate Registrar, who being duly appointed, either for a full term or to fill a vacancy, shall refuse to qualify as aforesaid, or having qualified, shall fail or refuse to perform any of the duties of said office, he shall forfeit and pay to the State a fine of one hundred dollars, upon conviction thereof by indictment in the Court of General Sessions of the Peace and Jail Delivery in the county where such offense is committed.

Penalty for refusal to qualify or failure to perform the duties of office.

Additional powers of Registrars.

SECTION 4. Each of the said Registrars shall in addition to the other powers hereinafter conferred upon him, have, during the respective times of his appointed sittings, the powers of a justice of the peace to preserve order and enforce obedience to his lawful commands at or around his place of registration; to keep access to such place open and unobstructed; to prevent and suppress riots, tumult, violence and disorder at, around or near to his place of registration, tending to intimidation, or to the obstruction of the work of registration, or of the revision of the registration, and to

protect and keep safe the registers or books for the registration of voters hereinafter referred to while in his custody and possession. He may compel the presence of witnesses before him, while sitting as Registrar, for all purposes connected with the performance of the duties of his office, by summons and attachment; and shall have power to administer oaths and affirmations. He may, while sitting as such officer of registration, commit for trial any person committing, at or around his place of registration, a breach of the peace, or any offense forbidden by this act. He shall have the power to issue any of said summons, attachments or commitments, when sitting in any hundred or election district in this State (outside the city of Wilmington) to the Sheriff of said county or to any constable thereof. All such process shall be served by said officers in the same manner as if they were issued by a justice of the peace within such county.

Sheriff and Constable, fees of.

The sheriff, or constable, in any county of this State, who shall serve any such process shall receive the same fees and in like manner as it is or may be by law provided that he shall receive fees in other State cases. But no Registrar shall charge or receive any compensation for any service rendered in accordance with the provisions of this section in addition to the compensation or salary provided for in Section 18 of this act.

Registrars to receive no compensation under this section.

Books of Registration

SECTION 5. That it shall be the duty of the Governor to cause the following books to be prepared, at the expense of the State, for the use of the said Registrars, for the registration of names and facts required by this act, to wit:

Entries, how arranged.

First. Two books for each of said Registrars, to be known by the general name of Registers, and to be so arranged as to admit of the convenient entry of the following particulars:

First—The name of the person applying to be registered, written in full (or his first Christian name, and also any other name by which he is generally known, written in full, with the initial or initials of any other name or names which he may have in addition thereto);

Second—His color;

Third—His age;

Fourth—The place of his birth;

Fifth—The place of his residence, of street and number if any, and his post-office address;

Sixth—The time of his residence in the State, county, and hundred or election district in which he shall apply to be registered;

Seventh—If naturalized;

Eighth—If qualified voter;

Ninth—Date of payment of qualifying tax;

Tenth—May become a qualified voter by payment of tax, or by being naturalized;

Eleventh—If disqualified;

Twelfth—Date of application for registration;

Thirteenth—Remarks explanatory and supplementary.

Nature of Registers.

Such Registers shall be uniform in their general character, shall be ruled in parallel columns, in which, opposite to the name of every applicant shall be entered the words and and figures hereinafter provided for, and shall be of such size as to contain not less than 1500 names. The ruling and the heading in the above described Registers shall be substantially in the form following, to wit:

Form of Registers.

Name.	Color.	Age.	Nativity.	Residence.	TERM OF RESIDENCE			Naturalized.	Qualified Voter.	Date of Payment of Tax	May become qualified by payment of tax or by being naturalized	Disqualified.	Date of Application.	Remarks.
					State.	County.	Hundred or Election District.							
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"Voting Books of Qualified Voters."

Second. Two books for each of said Registrars to be known by the name of "Voting Books of Qualified Voters," for alphabetical lists of all persons whose names may be entered on the Registers aforesaid as "qualified voters." Said books to be ruled in parallel columns and so arranged as to admit of the convenient entry, in alphabetical order, of the name of every person who may be entered on the Registers aforesaid as a "qualified voter," and in the parallel column opposite the name of such person the following particulars, to wit:

First—His residence;

Second—His color;

Third—His age, if to be between the age of twenty-one and twenty-two years on the day of the next general election.

And Third. Two books for each of said Registrars, to be known by the name of "Voting Books of Partially Qualified Voters," or alphabetical lists of every person whose name may be entered on said Registers as one who "may become qualified by the payment of tax, or by being naturalized." Said last mentioned books to be ruled in parallel columns and so arranged as to admit of the convenient entry, in alphabetical order, of the name of every person who may be entered on the Registers aforesaid as one who "may become qualified by payment of tax, or by being naturalized," and in the parallel columns opposite the name of such person the following particulars: "Voting Books of Partially Qualified Voters."

First—His residence;

Second—His color.

SECTION 6. The Sheriff of each county shall, some time in the month of August in the year of holding the general election, deliver to the Registrar of each hundred or election district of his county (outside of the city of Wilmington), the alphabetical list of the names of all the male citizens of the age of twenty-one years and upwards residing and assessed in his hundred or election district, which the said sheriffs are now required by Section 3, Chapter 18 of the Revised Code to deliver to the inspectors of elections, and shall at the same time deliver to each of the said Registrars two of the books known as Registers, two of the books known as "Voting Books of Qualified Voters," and two of the books known as "Voting Books of Partially Qualified Voters," hereinbefore provided for; which said books, addressed to the Registrar of each hundred or election district of the county, the Governor shall cause to be delivered to the sheriffs in each of the counties of this State on or before the first Tuesday in August in the year of holding the general election. And the said sheriffs, when delivering said list and books, shall also deliver to the Registrar of each hundred or election district in his county (outside the city of Wilmington) a stamp of not less than one inch in diameter, so arranged that when applied to a tax receipt it will produce the word "registered," the name of the hundred or election district, and also the day, month and year in letters and figures, and also shall deliver ink of a suitable kind to be used with such stamps. The said stamps shall be so arranged that the date may be changed. And the said sheriff shall procure said stamps and ink at the expense of the county

Duty of Sheriff to deliver alphabetical list and books.

Duty of Governor.

Stamp for use of Registrar.

in which he may be sheriff, to be paid for as hereinafter provided.

Registrars to mark books.

SECTION 7. Each of the said Registrars, immediately upon receiving said Registers and "Voting Books of Qualified Voters" and "Voting Books of Partially Qualified Voters," shall endorse upon the back and write at the head of each Register and "Voting Book of Qualified Voters" and "Voting Book of Partially Qualified Voters," delivered to him as aforesaid, the name of the county and the name of the hundred or election district of such county of which he is Registrar, and of which such books shall respectively be the Registers and voting books as aforesaid.

Sittings of Registrars.

Said Registrars shall sit alone for the purpose of ascertaining and registering the persons who are or may become qualified to enjoy the right of an elector at the next general election, at such public and suitable places in their respective hundreds or election districts as will, in their judgment, be most convenient for the voters of their several

Hours of sitting.

hundreds or election district, from eight o'clock A. M. until six o'clock P. M., with an intermission from twelve till one

Times of sitting.

o'clock, on four successive Saturdays, beginning with the first Saturday in the September next preceding the general

Notice.

election. Each of said Registrars, at least ten days prior to his first sitting, as aforesaid, shall give public notice, by advertisement, posted in ten or more of the most public places in his hundred or election district, of the places where he will sit alone for the registration of voters as aforesaid, and the day or days when he will sit at each of said

Proceedings

places. His proceedings shall be public and open to free inspection without any obstruction, but he may exclude or eject from the room any person behaving in a disorderly manner, and he may employ a clerk or clerks.

Duty of Registrars when sitting.

SECTION 8. It shall be the duty of the said Registrars, when sitting at the times hereinbefore specified for the purpose of ascertaining and registering the persons who are or may become qualified to enjoy the right of an elector at the next general election, to do and perform the several matters and things following, to wit:

What facts to record.

First. Each of them severally shall record in his Registers in the column headed "name" the name of every male person who shall personally appear before him and apply to be registered (writing his surname and first Christian name in full, and also any other name by which he is generally

known, with the initial or initials of any other name or names which he may have in addition thereto, the surname being written first). And the names of said applicants for registration shall be numbered consecutively in the order of their application, the number being entered on the Register in figures immediately before each name.

Second. In the column headed "color" he shall enter his color; and after making proper inquiries and examination he shall enter

Third. In the column headed "age" the age of the applicant.

Fourth. In the column headed "nativity" he shall enter the state, territory or country in which the applicant states he was born.

Fifth. In the column headed "residence" he shall enter his place of residence and post-office address.

Sixth. In the proper subdivision of the column headed "term of residence," how long he has resided in the State, how long in the county, and how long in the hundred or election district in which he applies to be registered.

Seventh. In the column headed "naturalized" the words "yes" or "no," or "native," as the fact shall appear.

Eighth. In the column headed "qualified voter," if the Registrar shall be satisfied, upon examination or otherwise, that the applicant for registration is at that time a qualified voter, or by arriving at the age of twenty-one years, or by acquiring the residence required by the Constitution in this State and county by the next following general election will become a qualified voter at said election in the hundred or election district in which he applies to be registered, he shall write his name in full as written in the first column.

Ninth. In the column headed "date of payment of tax" he shall enter the day, month and year on which he has paid a county tax within two years next before the next following general election.

Tenth. In the column headed "may become qualified by payment of tax, or by being naturalized," if the Registrar shall be satisfied, upon examination or otherwise, that the applicant for registration possesses all the constitutional qualifications of an elector, except that of the payment of a county tax as prescribed by the Constitution, he shall write

Conditional qualifications.

his name in full, as written in the first column, and a line shall be heavily drawn in ink opposite his said name in the column headed "qualified voters."

And if the applicant shall not at the time he applies to be registered have paid the county tax prescribed by the Constitution as one of the qualifications of an elector, and shall not have then resided within the State or county in which he applies to be registered the time required by the Constitution as one of the qualifications of an elector, but will have acquired such residence by the day of the next general election, the said Registrar shall write his name in full in the column headed "may become qualified by payment of tax, or by being naturalized," and a line shall be heavily drawn in ink opposite to his said name in the column headed "qualified voters."

And if the applicant, not being a native born citizen of the United States, shall not at the time he applies to be registered have been naturalized, but will be entitled to be naturalized by the day of the next general election, and possesses all the other qualifications of an elector, the Registrar shall write his name in full in the column headed "may become qualified by payment of tax, or by being naturalized," and a line shall be heavily drawn in ink opposite to his said name in the column headed "qualified voters."

And if the applicant, not being a native born citizen of the United States, shall not at the time he applies to be registered have been naturalized and shall not at that time have paid the county tax prescribed by the Constitution as one of the qualifications of an elector, but will be entitled to be naturalized by the day of the next general election, and possesses all the other qualifications of an elector, or will possess them by the day of the next general election, the said Registrar shall write his name in full in the column headed "may become qualified by payment of tax, or by being naturalized," and a line shall be heavily drawn in ink opposite his said name in the column headed "qualified voters."

Disqualification.

Eleventh. In the column headed "disqualified," if the Registrar is satisfied, upon examination or otherwise, that the applicant for registration is disqualified as an elector in the election district in which he shall apply to be registered, a line shall be heavily drawn in ink opposite his said name in the column headed "qualified voter," and the cause of

his disqualification shall be briefly stated in the column headed "disqualified" opposite his name as first recorded, and a line shall be drawn across his name as first entered, but in such manner that said name shall remain legible.

Twelfth. In the column headed "date of application" he shall enter the day of the month and year on which application for registration is made.

Thirteenth. In the column headed "remarks" he may enter such facts or statements as he may deem pertinent to the qualification or disqualification of the applicant as an elector.

How entries shall be made.

In making the entries hereinbefore specified, the Registrar shall in every case make such entries in the columns above specified opposite the name of the applicant to whom such entries are intended to apply.

Postponement of registration.

If any Registrar should be in doubt, after the primary examination of the applicant for registration, and upon such evidence as may be immediately obtainable whether such applicant is a qualified elector, he may postpone his determination of the matter to his next sitting, or to a later sitting, at the request of the applicant; but such postponement shall not be in any case to a day later than the last day when the said Registrar sits alone for the purpose of registration as aforesaid.

Entry of registration

SECTION 9. When any Registrar, at any of the sittings hereinbefore provided, shall enter in his Register the name of any applicant for registration as a qualified voter, he shall immediately thereafter enter, in the presence of such applicant if he remains in attendance, in its proper alphabetical place in the "Voting Book of Qualified Voters," hereinbefore provided for, the name of such applicant, and also his residence, and color, and his age, if he will be between the ages of twenty-one and twenty-two on the day of the next following general election. And when he shall enter in his Register the name of any applicant for registration as one who "may become qualified by payment of tax," as hereinbefore provided for, he shall immediately thereafter enter, in the presence of such applicant if he remains in attendance, in the proper alphabetical place in the "Voting Book of Partially Qualified Voters," hereinbefore provided for, the name of such applicant, and also his residence and color.

And the Registrar shall also give to each person who is registered either as a qualified voter or one who may become qualified, and who may request it, a certificate to the following effect:

Certificate of Registration

"———— Hundred (or ——— Election District in ———— Hundred), ———— county, State of Delaware.

Dated, ——— day of ————, 18—.

I do hereby certify that ———— has this day been registered as a qualified voter (or one who may become qualified) in the hundred (or election district) above mentioned, and that his number on the Registers is number ———.

Signed ————

Registrar for ———— Hundred (or ———— Election District in ————Hundred)."

Printed copies of registration; how, when and where to be posted.

Each of said Registrars shall, within one week after his last sitting in September, as aforesaid, cause to be printed not less than fifty copies of the alphabetical list of qualified voters as contained in the "Voting Book of Qualified Voters," together with the entries opposite the names in said books; and not less than fifty copies of the alphabetical list of those who "may become qualified by payment of tax, or by being naturalized," as contained in the "Voting Books of Partially Qualified Voters," together with the entries opposite the names in said books; and shall, within the said week, cause one of said printed copies of each of said lists to be posted in at least ten of the most public places in his hundred or election district, and shall use the remaining copies in such manner as in his judgment will be most likely to secure publicity and general inspection.

Board of Registration

SECTION 10. In addition to the Registrars hereinbefore provided for, there shall be in each hundred or election district a "Board of Registration," which board shall be composed of the Registrar for the hundred or election district, that one of the two persons who shall be chosen in the manner hereinafter provided to serve as judges of election in said district at the next following general election who shall not be of the same political party as the Registrar, and the inspector of said hundred or election district. The two persons associated with the Registrar shall be known as Associate Registrars. The said Registrar shall be the presiding officer of the Board, and as such presiding officer he shall have and possess all the powers conferred upon him by Section 4 of this act, and in his absence either of said asso-

Associate Registrars.

Presiding officer.

ciates shall have and possess all the powers which said presiding officer would have and possess if present.

Hours of sitting. The said Board of Registration shall sit from eight o'clock A. M. until six o'clock P. M., with an intermission from twelve till one, on the three Saturdays immediately preceding the Saturday next before the general election, at the place where the following general election will be held, or at some convenient and suitable place in the town or village in which such election will be held. Time. Place.

Duty of Registrar. The Registrar shall produce and have before said Board of Registration, at all its sittings, the alphabetical list delivered to him by the Sheriff, as provided in Section 6 of this act, and also the Registers and the voting books containing the alphabetical lists of "qualified voters" and the voting books containing the alphabetical lists of "partially qualified voters," made by him as hereinbefore provided.

Duties of Board of Registration It shall be the duty of the said Board, at its sittings, to enter upon the said Registers the names of all persons applying to be registered who have omitted to make such application before the Registrar when sitting alone, and also the names of all persons who may have applied to the said Registrar, but whose names were not entered by him as required by this act.

Further duty. It shall be the further duty of the said Board to correct on the Registers any mistakes which may have been made by the Registrar in any entry therein, either as to the name, or as to any other statement of fact; *provided*, *however*, that no correction shall be made upon the Registers except upon the personal or written application of the person in relation to whom such correction is made, or after written notice to him. Proviso.

Duties of Board in appeals from Registrar. It shall also be the duty of said Board, upon the personal application of any person who shall have been entered on the Registers by the Registrar as "a disqualified voter," and who may consider himself aggrieved thereby, to inquire into the matter, and if the said Board, after a hearing and examination, shall determine that such person has been improperly entered as a disqualified voter, the said Board shall enter his name anew in the Register, and shall also make opposite the name in the several columns the entries required to be made in other cases of applicants for registration adjudged qualified; and in the column headed "remarks," opposite his name when written anew, the said Board shall enter the words "adjudged qualified on revision by the Board," or "may be-

come qualified by payment of tax," or "by being naturalized," or both, as the case may be, and the date when his qualification was determined as aforesaid.

Illegal registration.

Upon the affidavit of a legal voter in an election district, made before any person authorized by the laws of this State to administer oaths, and presented to the Board of Registration, that in his opinion any person is illegally registered in such election district as a qualified voter, or as one who may become qualified by payment of tax, and setting forth the reasons therefor, it shall be the duty of the said Board to examine into the matter of the registration of such person, and if said Board deem it a proper case for a hearing, notice shall be given to such person, either in person or in writing, as is hereinafter provided, to appear before the Board at its next sitting to show cause why his name should not be stricken from the voting books of "qualified" or "partially qualified voters" (as the case may be) of such election district. And, if upon examination and inquiry said Board shall be satisfied, at its sitting at which such person had notice to appear, that he is not a qualified voter, or one who may become qualified by payment of tax, or by being naturalized, or both, a heavy line shall be drawn in ink through his name as written in the column headed "qualified voter," and a line shall be drawn through his name as first entered, but in such manner that said name shall remain legible, and the causes of his disqualification shall be briefly stated in the column headed "disqualified," and in the column headed "remarks," opposite his said name, shall be written the words "adjudged disqualified on revision by the Board," and the date when his disqualification was ascertained as aforesaid.

Board of Registration clothed with the powers of Registrar.

It shall be the duty of said Board, at the time of entering in the Registers the names of any persons not entered by the Registrar at his sittings alone, to do and perform the same matters and things and to make the same entries in the Registers which the Registrar is required by Section 8 of this act to do and perform and make when any person applies to him to be registered. And it shall also be the duty of the said Board, when they shall enter in the Registers as a "qualified voter," or as one who "may become qualified by payment of tax, or by being naturalized" the name of any applicant to said Board for registration, immediately thereafter to enter, in the presence of such applicant if he remain in attendance, in its proper alphabetical place in the "Voting

Books of Qualified Voters," or in the "Voting Books of Partially Qualified Voters," (as the case may be) the name of such applicant, and also his residence, and color, and his age, if he will be between the ages of twenty-one and twenty-two years on the day of the next following election.

Duties of Board in making entries.

It shall also be the duty of said Board to enter in the proper voting books in its proper place any corrections which the said Board may have made in the Registers as to the name, residence or color of any person whose name may be in said voting books. Whenever the said Board shall enter in the Registers the name of any person as a "qualified voter," or as one who "may become qualified by payment of tax, or by being naturalized," who has been entered by the Registrar as a "disqualified voter," it shall be the duty of the said Board immediately to enter, in the presence of such voter if he shall remain in attendance, in its proper alphabetical place in the "Voting Books of Qualified Voters," or "Voting Books of Partially Qualified Voters," (as the case may be) the name of such voter, and also his residence, and color, and his age, if he will be between the ages of twenty-one and twenty-two years on the day of the next following general election.

Names stricken from list.

Whenever the said Board shall have adjudged any person to be disqualified as a voter, whose name had been upon the Registers as a "qualified voter," or one who "may become qualified by payment of tax, or by being naturalized," and shall have made the necessary corrections on the Registers, as aforesaid, it shall be the duty of said Board immediately thereafter to strike his name from the alphabetical list where his name may appear in said voting book by drawing a heavy line in ink through his said name and all entries opposite his name. And the said Board may employ a clerk or clerks.

Clerk.

Concerning the removal of qualified voters.

SECTION 11. If any person registered as a qualified voter, or one who may become qualified by payment of tax in any hundred or election district in this State, shall, after he is so registered, remove from the county in which he is so registered to any other county in this State, he may apply in person to the Registrar or Board of Registration of the hundred or election district in which he is registered and have his name stricken from the Registers and from the Voting Books in which his name shall appear, and may obtain from said Register or Board of Registration a certified copy of the

entries in the Registers relating to him, together with a certificate that his name has been stricken from the Registers and Voting Books, as aforesaid; and it shall be lawful for him, after his name shall be so stricken from said Registers and Voting Books, to cause himself to be registered in the hundred or election district of the county to which he may have removed, upon producing the aforesaid certificate and copy of entries in said Registers, provided that by the next following general election he will have acquired in the county to which he has removed the residence required by the Constitution. And the Registrar or Board of Registration to whom such person may apply to have his name stricken from the Registers and Voting Books shall draw a line in ink through his name and all the entries opposite to his name in said Registers and Voting Books, and in the column in the Registers headed "remarks" shall enter "removed from this county into ———— county," and shall prepare and deliver to him the certified copy of entries and the certificate aforesaid.

Name to be stricken from Register and Voting Books.

Stamping of tax receipt.

SECTION 12. The said Registrars when sitting alone, or any member of the said Board of Registration, when sitting for the purpose of registration as aforesaid, may require any person applying to be registered as a qualified voter to produce his tax receipt, and if such person be registered as a qualified voter, the said receipt shall be immediately stamped with the word "registered," the name of the hundred or election district, and also the day, month and year of registering, in letters and figures, by means of the stamps provided for in Section sixth of this act.

Quorum of Board of Registration

Proceedings public.

SECTION 13. At every sitting of said Board two shall constitute a quorum, and the acts of a majority of said Board shall be as valid as the acts of all of them. Their proceedings shall be public and open to free inspection without any obstruction, but they may exclude or eject from the room any person behaving in a disorderly manner.

Oaths of Associate Registrars.

Each of said Associate Registrars, before entering upon the duties of his office, shall take and subscribe the oath prescribed in Section two of this act for the Registrar, except that the words "Associate Registrar" shall be substituted for the word "Registrar." Which oath may be administered to the Associate Registrars by the Registrar, or by any Justice of the Peace or Notary Public in the county where such Associate Registrar may reside.

OF ELECTIONS.

In all cases where written notice is required by this act to be given to any person, such notice shall be deemed sufficient if addressed to the person to be notified at the post-office named by him at the time of his application for registration and deposited in the mail not later than the Wednesday next preceding the sitting of the Board at which he may be notified to appear. Notice, what sufficient.

SECTION 14. In order to fix and ascertain the persons who are to be the associate officers of registration, it shall be the duty of the inspector of each hundred or election district in this State (outside the city of Wilmington), and also of the person who at the election for inspector next previous received the next highest number of votes for said office, on some day in the month of September next preceding the general election, to choose respectively the two judges of the said election, as is required to be chosen by them respectively by Section 11 of Chapter 18 of the Revised Code; and shall respectively, during the said month of September, notify the said persons of their appointment in writing, and shall also, in the said month of September, give notice, in writing, to the Registrar of the hundred or election district of the persons so chosen. Selection of associate officers of registration. Notice of selection.

If either the said inspector, or the person who at the election for inspector next previous received the next highest number of votes for said office be dead or removed from the county, or shall fail or neglect, from any cause whatsoever, to choose a judge of election in the said month of September, as hereinbefore required of them, or shall fail or neglect to give the notices hereinbefore required to be given by them to the persons so chosen by them respectively to the Registrar, or if either of the persons designated in Section 10 of this act as those who shall be associated with the Registrar as associate officers of registration shall fail or neglect to take the oath required of them by Section 11 of this act, or from any cause whatsoever shall fail to appear and act at any of the sittings of the said Board of Registration, then and in that event it shall be the duty of the said Registrar immediately to appoint another person to act as Associate Registrar, who shall be of the same political party as the person in whose place he is appointed shall be or would have been. Vacancies in office of Associate Registrars.

The person or persons appointed by the Registrar, as aforesaid, shall take and subscribe the oath hereinbefore prescribed for the Associate Registrars, shall possess and have Oath, powers and duties of Associate Registrars.

the same powers as, and perform the same duties hereinbefore required of Associate Registrars until the person who may have been originally chosen shall have qualified and shall appear and enter upon the duties of the office to which he was originally chosen or appointed.

Board of Registration to compare Register, etc

SECTION 15. It shall be the duty of the said "Board of Registration," immediately after the close of their last sitting, carefully to compare the two Registers and see that they agree with each other in every particular, and also to compare the two alphabetical lists of "qualified voters" and the two alphabetical lists of those who "may become qualified by payment of tax, or by being naturalized," or both, as contained in the voting books aforesaid, with the said Registers, and to see that the name of every person entered on the Registers as a "qualified voter" is entered in its proper alphabetical place on each of the two lists of qualified voters, together with the residence, and color, and also the age, if to be between the ages of twenty-one and twenty-two years on the day of the next general election, as entered on the Register; and also to see that the name of every person entered on the Registers as one who "may become qualified by payment of tax," or "by being naturalized," is entered in its proper alphabetical place on each of the two lists of those who "may become qualified by payment of tax," or "by being naturalized," or both, in the voting books of "partially qualified voters," together with the residence and color, as entered on the Registers. And if any name in the Registers which ought to have been entered on either of said alphabetical lists shall have been omitted therefrom, it shall be the duty of said board to enter such name in its proper alphabetical place on the proper alphabetical list, together with the proper entries as they appear on the said Registers.

Shall enter names improperly omitted.

Corrections on list.

And it shall be the further duty, in such comparison of the alphabetical lists with the Registers, to make such corrections on the alphabetical lists as will make the names and entries appearing on the alphabetical lists agree with the same names and entries as entered on the Registers.

Certificate of the Board of Registration

It shall also be the duty of the said Board of Registration, within three days after their last sitting, to append to each of said alphabetical lists of "qualified voters" contained in said "Voting Books of Qualified Voters" a certificate, verified by the oath or affirmation of the members of said

board, or at least two of them, that the said "Voting Book of Qualified Voters" contains a complete list of the qualified voters of said hundred or election district, as the same are entered in the Registers of voters of such hundred or election district.

Certificate.

And shall also, within the three days aforesaid, append to each of said alphabetical lists of those who "may become qualified by payment of tax, or by being naturalized," contained in the "Voting Book of Partially Qualified Voters," a certificate, verified by oath or affirmation, as aforesaid, that the said "Voting Book of Partially Qualified Voters" contains a complete list of those persons "who may become qualified by payment of tax, or by being naturalized," as the same are entered in the registers of voters of such hundred or election district.

Certificate of correctness of entries.

And the members of said Board shall, within the three days aforesaid, also append to the Registers of their respective hundred or election district a certificate that each of said Registers is the official Register of such hundred or election district, and, so far as is within their knowledge, no false or improper entries have been made therein. Which certificate shall be made and verified by at least two members of said Board.

Registrar to deliver Registers, etc., to Sheriff.

And it shall be the duty of the Registrar, within one day thereafter, to deliver to the Sheriff of the county in which he is an officer of registration one of said Registers, certified to as aforesaid, and one of said "Voting Books of Qualified Voters," certified to as aforesaid, and one of said "Voting Books of Partially Qualified Voters," certified to as aforesaid, together with the alphabetical list which shall have been delivered to him by the said Sheriff, as hereinbefore provided.

Registrars to keep one of the Registers, etc.

And the other of said Registers, together with the other of said "Voting Books of Qualified Voters" and the other of said "Voting Books of Partially Qualified Voters," together with any other papers or documents relating to the registration of voters, and the stamps provided for by this act, he shall retain in his possession and safely keep, but the same shall at all proper times be open to the inspection of any one desiring to examine the same without fee or reward, and also any one desiring to do so may be permitted to make copies or partial copies of any of said lists, books, documents or papers.

OF ELECTIONS.

In event of loss of Registers, etc., by Sheriff.

And if the Registers or Voting Books delivered to the sheriff, as aforesaid, should be lost or destroyed, the duplicates in the possession of the Registrars may be called for and used, in the place of those lost or destroyed, at the general election.

To deliver to Clerk of the Peace.

And within one week after the following general election he shall deliver the same to the Clerk of the Peace of the county in which he resides, who shall safely keep the same in his office, and the same shall be open to public inspection at all convenient times as other public records in the office of said Clerk of the Peace.

Sheriff to deliver Registers, etc., to Inspector.

SECTION 16. It shall be the duty of the sheriff of each county, within three days after the said Registers, Voting Books and lists shall have been delivered to him, as provided in the next preceding section of this act, to deliver the same to the inspector of the hundred or election district of the county to which such Register, Voting Books and list shall apply. And it shall be the duty of the inspector to have the same at the place of election before the opening of the polls on election day.

Duty of Inspector.

Who shall not be allowed to vote.

SECTION 17. The inspector shall not at any election receive or deposit in the ballot-box the ballot of any person offering to vote until his name shall have been found in the list of "qualified voters," as contained in the "Voting Book of Qualified Voters," or in the list of those who "may become qualified by payment of tax, or by being naturalized," or both, as contained in the "Voting Book of Partially Qualified Voters," delivered to him for the purposes of said election, and the judges, or a majority of them, shall be satisfied that the person so offering to vote is the person named in said list; and if his name shall have been found in the "Voting Book of Partially Qualified Voters" they shall be further satisfied that the person offering to vote has paid the tax required by the Constitution, and, if not a native born citizen of the United States, has been legally naturalized. And he shall receive and deposit in the ballot-box the ballot of every person offering to vote whose name appears in the "Voting Book of Qualified Voters," or whose name appears in the "Voting Book of Partially Qualified Voters," and who at the time he offers to vote shall have paid the tax required by the Constitution, and, if not a native born citizen of the United States, has been legally naturalized, unless such vote shall be objected to; but no objection to the vote of any per-

Who shall be eligible to vote.

son whose name shall have been found on either of said voting books shall be entertained or considered by the judges of the election except for the following reasons, to wit:

First. That he is not the person whose name appears in said voting books. Exceptions.

Second. If his name appears in the "Voting Book of Partially Qualified Voters", that he has not paid the tax required by the Constitution of this State, or, if not a native born citizen of the United States, that he has not been legally naturalized since he was registered.

Third. That he has become disqualified as a voter since he was registered; and

Fourth. That he was improperly registered at the last sitting of the Board of Registration as a "qualified voter," or as one who "might become qualified by payment of tax, or by being naturalized."

If a vote be objected to for any of the reasons above mentioned, its admission or rejection shall be determined according to the opinion of a majority of the judges. Objection to votes. How determined.

It shall be the duty of one of the judges of the election to write the word "voted" against the name of any person voting on the alphabetical list in the voting book in which his name appears, which was certified to by the Board of Registration and delivered by the sheriff to the inspector as aforesaid, instead of upon the alphabetical list certified to by the Clerk of the Peace, as is now provided by Section 18, Chapter 18 of the Revised Code. Duty of judges of election.

SECTION 18. Each inspector shall, on the Thursday next succeeding the day of the general election, deliver into the the office of the Clerk of the Peace of his county the oaths or affirmations that shall have been signed by the inspector and judges of the election in his hundred, or election district where a hundred is divided into two or more election districts, and the certificates of said oaths or affirmations having been administered, to be made and signed as directed in Section 13, Chapter 18 of the Revised Code; and the two lists of the polls kept at the election, as directed in Section 18, Chapter 18 of the Revised Code; the alphabetical list certified to by the Clerk of the Peace; the Register aforementioned, and the "Voting Book of Qualified Voters," and the "Voting Book of Partially Qualified Voters," certified to by the Board of What Inspector shall deliver to Clerk of the Peace.

Registration as aforesaid, with the notes of "voted," as the same shall have been made on each of said last mentioned books on the day of the election; all of which shall be filed in the office of the said clerk, and shall be public records, and as such admissible as evidence.

Compensation of Registrar.

SECTION 19. Each Registrar shall receive five dollars per day for each day of actual sitting, either alone or as one of the Board of Registration, and fifteen dollars additional for all other services to be performed by him under this act.

Compensation of Alternate Registrar.

And each Alternate Registrar shall receive five dollars per day for each day of actual sitting in the place of the Registrar, either alone or as one of the Board of Registration, and also such additional compensation as may be determined by the Levy Court of the county in which he shall reside for any other service that may be performed by him under this act; *provided* that such additional compensation shall in no event exceed the sum of fifteen dollars; *and provided further*, that the amount of such additional compensation shall be deducted from the amount of the Registrar's additional compensation.

Proviso.

Compensation of Associate Registrars.

And each Associate Registrar shall receive five dollars per day for each day of actual sitting on the Board of Registration.

How paid.

It shall be the duty of the Levy Court in each of the counties of this State, at its November session, to ascertain the amount of compensation under this act due the Registrars, Aternate Registrars, and Associate Registrars in their respective counties, and when so ascertained, the president of the said Levy Court shall certify the same to the State Treasurer, who shall thereupon pay to the persons entitled the sums severally due them out of any money belonging to the State not otherwise appropriated.

All necessary expenses; how paid.

The cost of printing and posting the alphabetical lists contained in the voting books aforesaid, and of printing and mailing the notices required by this act, and the rent of the room or rooms used by the said Registrars and Boards of Registration in performance of the duties required by this act, the cost of printing any forms or blanks that may be required, and the cost of the necessary stationary used by them, and also the stamps and the ink to be used with the same, provided for by this act, shall be paid by the Levy Courts of the respective counties upon proper vouchers.

The cost of the books provided for in Section 5 of this act shall be paid by the State Treasurer on warrants drawn on him by the Governor.

Registration officers making fraudulent entries, or failing to perform duties under this act.

SECTION 20. If any Registrar, Alternate Registrar, or Associate Registrar, shall fraudulently enter, or fraudulently permit to be entered, in any Register, or in any list of "qualified voters," or in any list of those who "may become qualified by payment of tax, or by being naturalized," the name of any person as a qualified voter, or one who "may become qualified by payment of tax, or by being naturalized," who is not entitled to be entered therein as a "qualified voter," or as one who "may become qualified by payment of tax, or by being naturalized," or both, or if any other person not authorized by the proper officer of registration shall enter in any Register, or in any "Voting Book of Qualified Voters," or in any "Voting Book of Partially Qualified Voters," the name of any person as a "qualified voter," or as one who "may become qualified by the payment of tax, or by being naturalized," or both; or if any Registrar, Alternate Registrar, or Associate Registrar, shall fraudulently refuse or omit to register, or shall fraudulently misspell in any Register, or in any "Voting Book of Qualified Voters," or in any "Voting Book of Partially Qualified Voters," in his charge, the name of any person entitled under the provisions of this act to have his name entered in such Register or "Voting Book of Qualified Voters" or "Voting Book of Partially Qualified Voters;" or if any Registrar, Alternate Registrar, or Associate Registrar, shall fraudulently strike from any Register or from either of said voting books in his charge the name of any person entered therein; or if any other person not authorized by the proper officer of registration shall strike from any Register or from any voting book the name of any person entered thereon; or if any Registrar, Alternate Registrar, or Associate Registrar, shall make any entry or entries in the said Registers, or said "Voting Books of Qualified Voters" or "Voting Books of Partially Qualified Voters," except at the times and in the manner hereinbefore provided; or if any Registrar, Alternate Registrar, or Associate Registrar, shall do anything which is by this act forbidden to be by him done, or shall omit to do anything which is by this act required to be by him done, he shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment, shall be fined not exceeding five hundred dollars, or be im- Penalty.

prisoned not exceeding three years, or may be both fined and imprisoned at the discretion of the Court.

Disqualified voters causing or attempting to cause themselves to be registered.

SECTION 21. If any person shall cause or attempt to cause himself to be registered in the name of any other person, living or dead, or under any fictitious name, or shall cause or attempt to cause himself to be registered in any hundred or election district in this State, knowing that he has not the right to be registered; or if any person, knowing himself to be registered in any hundred or election district in this State shall cause or attempt to cause himself to be registered in any other hundred or election district in this State without having first caused his name to be stricken from the Registers and votimg books in which he may have been previously entered; or if any person, knowing himself to be disqualified as a voter at the next following general election, shall cause or attempt to cause himself to be entered on the Registers in any hundred or election district in this State as a "qualified voter" therein, or as one who "may become qualified by payment of tax, or by being naturalized," knowing that he is not at that time a qualified voter and will not become so by the next following general election; or if any person shall by force, threat, menace, intimidation, or other unlawful means, prevent or hinder any person having a lawful right to have his name entered on the Registers in any hundred or election district in this State, from duly exercising such right, or shall compel or attempt to compel, by any such means, any Registrar, Alternate Registrar, or Associate Registrar, to enter on his Registers the name of any person not legally entitled to be entered therein, or shall unlawfully interfere with any Registrar, Alternate Registrar, or Associate Registrar, in the discharge of his duties under this act; or if any person shall make any assault or commit any assault and battery, or incite or create any riot or any breach of the peace at or near to any place of registration in this State, during the sitting of any Registrar, Alternate Registrar, or Board of Registration, he shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment shall be fined not exceeding five hundred dollars, or be imprisoned not exceeding three years, or may be both fined and imprisoned at the discretion of the Court.

Intimidation threats, etc.

Assaults, riots, etc.

Penalty.

SECTION 22. If any Clerk of the Peace, Sheriff, Registrar, Alternate Registrar, Associate Registrar, inspector, or

judge of election, shall loose any Register or Voting Book which may be in his charge or custody, or if any of such officers or any other person shall willfully destroy, mutilate, deface, falsify, or fraudulently remove or secrete any Register, or Voting Book, or shall knowingly make any false entry in, or false copy of any Register or part or any Register, or shall fraudulently make any entry, erasure or alteration in any alphabetical list of qualified voters, as contained in any "Voting Book of Qualified Voters," or in any alphabetical list of those who "may become qualified by payment of tax, or by being naturalized," contained in any "Voting Book of Partially Qualified Voters," he shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment shall be fined not exceeding five hundred dollars, or be imprisoned not exceeding three years, or may be both fined and imprisoned at the discretion of the Court.

Destruction, mutilation, erasure or alteration of Registers or Voting Books.

Penalty.

SECTION 23. If any person shall mutilate, deface, pull down or destroy, at any time before the last sitting of the Board of Registration, any printed copy of the "alphabetical list of qualified voters," or any printed copy of the alphabetical list of those who "may become qualified by payment of tax, or by being naturalized," when the said lists are posted and hung up as provided in Section 9 of this act, he shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment shall be fined not exceeding one hundred dollars, or imprisoned not exceeding one year, or may be both fined and imprisoned at the discretion of the Court.

Mutilation, destruction or pulling down alphabetical list of qualified voters.

Penalty.

SECTION 24. In any case of a special election held in this State, it shall be the duty of the several Boards of Registration, hereinbefore provided for, to sit on the two Saturdays immediately preceding the Saturday next before the day of such special election, from eight o'clock A. M., until six o'clock, P. M., with an intermission from twelve till one, at the place where the following special election will be held, or at some convenient and suitable place in the town or village in which such election will be held; and at such sittings to add to the Registers or Voting Books aforesaid of their respective hundreds or election districts the names of all persons applying to them who may have become qualified to vote since the day of the last gen-

Special election.

Time of sitting.

Place.

eral election, or who may become qualified to vote by the day of such special election.

Duty of Board of Registration

Powers.

Vacancy.

And it shall be the duty of such Boards of Registration, in adding any new name, to make the same entries in the Registers and Voting Books aforesaid as they are hereinbefore required to make when sitting as a Board of Registration before any general election. And said Boards of Registration shall have the same powers and do and perform the same matters and things as when sitting as a Board of Registration before any general election. And any vacancy or vacancies in any of said Boards of Registration shall be filled as hereinbefore provided.

Board of Registration to procure Registers, etc.

The said Boards of Registration, within one week before their first sitting as provided for in this section, shall procure from the Clerks of the Peace of their respective counties the two Registers and the two "Voting Books of Qualified Voters" and the two "Voting Books of Partially Qualified Voters," which shall have been delivered to the Clerks of the Peace as hereinbefore provided.

Duty of Clerks of the Peace.

It shall be the duty of the Clerks of the Peace in the several counties to deliver said books to the said Boards of Registration when the same shall be applied for as aforesaid.

Delivery of books.

In delivering one of the Registers and one of the "Voting Books of Qualified Voters" and one of the "Voting Books of Partially Qualified Voters" to the Sheriff, to be by him delivered to the inspectors as hereinbefore provided, it shall be the duty of said Boards of Registration to deliver the Register and the "Voting Book of Qualified Voters" and the "Voting Book of Partially Qualified Voters" which were not used at the previous general election. And the other of said Registers, and the other of said "Voting Books of Qualified Voters," and the other of said "Voting Books of Partially Qualified Voters," shall be delivered by the several Registrars to the Clerks of the Peace of their respective counties within one week after such special election.

Special elections.

At every special election the same provisions of law in this act contained as to voting and challenging and entering the word "voted" after the names of those who may vote, shall apply, as at a general election.

OF ELECTIONS.

SECTION 25. All acts and parts of acts inconsistent with or superseded by the provisions of this act are hereby repealed. And this act shall not apply to the City of Wilmington.

Inconsistent acts repealed

Not applicable to Wilmington.

SECTION 26. It shall be the duty of the Secretary of State to cause to be printed and prepared in pamphlet form five hundred copies of this act; and when the Registrars provided for in this act shall have been appointed by the Governor, it shall be the duty of the Secretary of State to send to each Registrar three of said pamphlets, one for his own use and the other two for the use of his Associate Registrars. And the Secretary of State shall also send one pamphlet to each Alternate Registrar appointed by the Governor.

Secretary of State to print in pamphlet form 500 copies; to whom sent.

The cost of printing and preparing the pamphlet copies of this act shall be paid in the same manner as is now provided by law for the payment of the printing of the laws passed at each session of the Legislature.

Printing, how paid for

Passed at Dover, May 13, 1891.

CHAPTER 39.

OF ELECTIONS.

AN ACT to provide for the Registration of Voters in the City of Wilmington.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

General registration of qualified voters in the City of Wilmington.

SECTION 1. That for the purpose of preventing fraud at all elections held on the Tuesday next after the first Monday in the month of November, as provided by Section 1 of Article 4 of the Constitution of this State, and facilitating the ascertainment of those who are duly qualified electors according to the constitution and laws of this State, there shall hereafter in the city of Wilmington be a general registration of all the qualified voters resident in each election district in said city at the times hereinbelow provided and then only on Saturday of the fourth week, on Saturday of the third week and on Friday and Saturday of the second week next preceding the day of each and every such election. That for each and every election, other than such as above designated, except municipal elections and elections for members of the Board of Education, held in said city there shall be a revision of the general registration had as provided in this act, which revision shall be made on the second Saturday next preceding the day of each and every such election.

Governor to appoint 3 persons to constitute a Department of Elections.

Term, how determined.

SECTION 2. That, in the month of August in the year 1891, on or before the tenth day thereof, the Governor of the State of Delaware shall appoint three persons of said city, who shall constitute a Department of Elections for said city, with full power to act as such for the terms of two, four and six years from the date of their appointment, or until their successors shall be duly appointed. At the first meeting of the said board said members of said Department of Election shall determine their terms by lot, and shall certify the result to the Clerk of the Peace for New Castle County, who shall carefully preserve the same; and the said result, or a copy duly certified by the said Clerk of the Peace under his hand and seal of office, shall be evidence in all the

Term of office.

courts of this State or elsewhere. At the expiration of the term of the said member who shall draw the shortest term, and biennially thereafter, the place of the retiring member shall be filled by appointment by the Governor of the State

Qualifications.

of Delaware, for the term of six years. No person shall be eligible to appointment as a member of said Department who shall not be a citizen of the United States of America, and be a qualified voter of and resident in said city for the

Members cannot be candidates for office.

term of five years next preceding his appointment. No member of said Department of Elections shall hold or be a candidate for any other State or county office during his membership in said Department, nor until the expiration of six months after he shall have ceased to be a member of said

Vacancies, how filled.

Department of Elections. When any vacancy occurs in said department, by or from any cause whatsoever, the Governor aforesaid shall fill the unexpired term by appointment, but at no time shall all the members of said department be of

Oath of office.

the same political faith and opinion. Each of said members shall, before entering upon his duties, and within one month from the time of his appointment, take and subscribe and file in the office of the Clerk of the Peace aforesaid an oath or affirmation that he will perform the duties of his office

Organization.

with fidelity and impartiality. The persons so named shall meet and organize said Department of Elections by this act constituted by selecting one of their number to be president, whose term of office shall continue for two years from the date of his appointment, when and bienially thereafter the said Department of Elections shall select one of their num-

Compensation.

ber to be president. Each member of the Department of Elections shall receive as a compensation for his services the

Proviso.

annual salary of five hundred dollars: *Provided*, that no salary or compensation shall be paid in any year in which no general or special election is held.

Duties of Department of Elections.

SECTION 3. The duties of the members of the Department of Elections shall be as follows:

Election Districts.

1. They shall, on or before the first day of September next preceding the time of the first registration held under the provisions of this act, and in every sixth year thereafter, on or before the first day of September, divide the city into as many election districts as they shall deem necessary.

Proviso.

Provided that each election district shall contain as near as may be no more than three hundred, nor less than one hundred, qualified voters. *And provided further*, that each of

said districts shall be entirely within the boundaries of one ward. And on or before the first day of September, A. D. eighteen hundred and ninety-four, and biennially thereafter, said Department of Elections may divide such of the districts, and such only as by the registration of voters last preceding such division shall be found to have had a registration of more than three hundred voters, but in any such division of any such district one portion of the district shall retain the original numerical designation and the other portion shall take the number following the highest numbered district in the ward in which such new districts are situated. Division of districts.

2. They shall designate and appoint a place of registry and polling place in each election district in the city, and shall, not less than two weeks prior to the first day of any registration or revision of registration, provided for in this act, advertise, by posters or handbills, posted in five of the most public places in each district, the number and boundaries of the districts in which they are posted, the time and place of holding the next registration and election in such district, the officers to be voted for at such election, and at the places so designated all elections shall be held and the work of registration performed; and the said Department of Elections shall hire all such places and cause the same to be fitted up, warmed, lighted and cleaned, but in such election district such place shall be in the most public, orderly and convenient portion of the district, and no building or part of a building shall be designated or used as a place of registry or polling place in which, or in any part of which, spirituous or intoxicating liquor is or has been sold within sixty days next preceding the time of using the same. Place of Registry. Notice. Furnishing of rooms for registration. Intoxicating liquors.

3. They shall cause to be prepared books for the registration of names and facts required by this act; said books to be known by the general name of Registers, and to be so arranged as to admit of the entry of the names of each street or avenue in each election district, and the number of each dwelling in any such street or avenue, if there be a number thereto, and if there be no number, under such definite description of the location of the dwelling place as shall enable it to be readily ascertained, found and located; of the names of all male persons, resident in each dwelling in each of said districts, who shall apply for registration. Such Registers shall be ruled in parallel columns, in which, opposite to and against the name of every applicant, shall be entered the words and figures hereinafter provided in this Books for registration. Contents. Form of Registers.

act, and shall be of such size as to contain not less than four hundred names, and so prepared that they may be used at each election in the said city until such time as in this act provided for the succeeding registration, and shall on the inside be in appearance and form as follows, to wit:

Form of inside of Registers.

Residence.	Room-Number.	Name.	Sworn.	Nativity.	Color.	TERM OF RESIDENCE		Naturalized.	VOTERS.		Disqualified.	Date of Application.	Why Disqualified.	Date of Erasing Name.	Voted November.	Voted.	Voted.	Challenged.	Remarks.
						County.	State.		Qualified.	May become qualified.									
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Necessary conveniences and supplies, etc

4. They shall prepare and furnish all necessary registers, books, maps, forms, oaths, certificates, blanks and instructions for the use of the inspectors of election, provide for the furnishing of such officers therewith and with all necessary supplies, and also a copy of this law for their guidance. They shall have and retain the custody of all registers, tally lists, books, maps, forms, oaths of office and of removal, blanks, instructions, and all other records and supplies of every other kind or description pertaining to the Department of Elections provided for in this act.

Power to dismiss election officers.

May employ clerks and assistants.

Proviso.

5. They shall have power to dismiss any election officer at any time and supply his place with another person. They may also employ a clerk and such other assistants as in the judgment of the members of said department shall be necessary and proper for the faithful performance by the department of the duties by this act imposed; *provided* the expense thereof shall not exceed fifteen hundred dollars in any one year, which said sum shall not include the compensation of members of the Department of Elections, inspectors, and poll clerks, to be paid as provided in this act.

May make or have made copies of names, residences, etc., of male persons dying in the city.

6. They shall from time to time and at all times, and at least once in each and every year in which an election is held, have full power and authority to make or cause to be made such full, complete and accurate copies, as they shall deem necessary, of the records of the names, residences, age

and cause of death of each male person who shall die in the city, as the facts in respect to such death shall be furnished to the Register of Births, Deaths and Marriages for the city, and shall keep, preserve and file all such copies of such records; and it shall be the duty of the Department of Elections, in each year in which an election is held, to cause to be delivered to each inspector of election in each election district in the city, on or before the first day of registration, an alphabetical record of all male persons twenty-one years of age and upwards who, in the district in which the said inspector is to serve, have died since the last election. Such records shall be known and designated as the record of death; and it shall be the duty of each inspector of election in each election district, upon the receipt of such record, to securely attach the same to the inside of the register in his custody to the end that it may be preserved, and upon the receipt of the same each inspector shall examine the register in his custody as to the name of every person upon said register, who, by said record of deaths, shall by a coincidence in respect to said names and facts appear to have deceased, and opposite to and against every such name to enter in the column headed "why disqualified" the word "dead," in the column "date of erasing name" the month, day and year of such erasing, and in the column headed "remarks" the words "stricken from the register," adding against each such entry made in the column of remarks the initial letters of the name of the inspector making such entry, and through the name of every such person stricken from the register, and then only, shall draw a line indicative that such name is erased from the register of that election district.

To deliver such list to inspectors.

Inspector to strike off such names from his list.

7. They shall furnish the inspectors of election in each election district with the hereinafter named election machinery:

Election machinery to be furnished as follows.

(*a.*) Two boxes of a size sufficient in their judgment to receive the ballots in the respective districts, and of such character and workmanship as will insure safety and fairness in elections; in the lid of one of the boxes shall be a hole sufficient only to admit with convenience one ballot; and it shall be furnished with a lock and key for securing the lid; the lid of the other box shall be without a hole and shall also be furnished with a lock and key and so constructed as to be secured with tape and sealing wax.

(*b.*) Stamps which, when applied to tax receipts on

registration days, will produce the word "Registered," the number of the district, and also the day and year of registration in letters and figures, and when applied to tax receipts, on election day, will produce the word "Voted," the number of the district, and also the day and year of voting in letters and figures.

To appoint inspectors and poll clerks and fill vacancies.

8. They shall, hereafter, appoint all inspectors of elections and poll clerks for elections in said city, and shall also make all necessary removals and transfers of election officers and fill all vacancies which from any cause may occur.

Appointment of inspectors.

Qualifications.

9. They shall, in the month of August, in each year in which a general election is held, select for each election district, to serve as inspectors of election, three persons, who shall be citizens of the United States of America and of the State of Delaware, of good character, able to read, write and speak the English language understandingly, qualified voters in the city, and not candidates for any office to be voted for by the electors of the district for which they shall be selected, two of whom shall be of different political faith and

Proviso.

opinion from their associates; *provided*, that the total number of inspectors in each ward shall be divided as equally as possible between the different political parties; and those appointed to represent the party in political minority to be named solely by such member or members of the Department of Elections as is or are the representative or representatives of such political minority; and no person who shall have served as inspector at any registration shall be a candidate at the election for which such registration was held. Every person so selected to be an election inspector shall, on receipt of notice thereof, appear within ten days thereafter, before said department, for the purpose of examination, and if found qualified shall, unless excused by the department by reason of ill-health or other good and sufficient cause, be bound to serve as such officer at every registration and election for the term for which he is appointed, and shall take the following oath of office, which oath may be administered by any member of the Department of Elections:

Examination and qualification.

Oath of office.

I, ———————— residing at No. ———————— in the city of Wilmington, do solemnly swear (or affirm) that I will support the Constitution of the United States and of the State of Delaware, and that I will faithfully discharge the

duties of the office of inspector of election for the ————— election district of the ————— ward of the city of Wilmington, according to the best of my ability, and that I am a citizen of the United States and of the State of Delaware, a qualified voter in the city of Wilmington and not a candidate for any office to be voted for by the electors of the district for which I am appointed.

Penalty for neglect or refusal to comply with requirements.

In case of refusal or neglect on the part of any person so selected to be an election inspector to comply with the above requirements, or to serve, or to act, he shall be liable to a penalty of two hundred dollars, recoverable by said department by civil action in any court of record in the name of the "President of the Department of Elections of the City of Wilmington," and for the use and benefit of New Castle county; and the failure on the part of any such person to present himself for examination within the time prescribed, or to comply with any of the requirements of this act preliminary to receiving his certificate of appointment or to attend on the day of any registration or the day of any election during his term, unless prevented by sickness or other sufficient cause, the burden of proof of which shall be upon the delinquent, shall be deemed a refusal within the meaning of this act. The Department of Elections shall deliver a certificate of appointment to whomsoever shall be nominated, approved and sworn into office by it as an inspector of elections, said certificate to be in such form as shall be prescribed by such Department of Elections, specifying the election district in and for which the person to whom the same is issued is appointed to serve, and the date of the expiration of his term of office. The inspectors of election appointed under the provisions of this act shall respectively hold office for the term of two years unless sooner removed for want of requisite qualifications, or for cause; in either of which cases such removal, unless made while the inspectors are actually on duty on a day of registration or election and for improper conduct as an election officer, shall only be made after notice in writing to the officer sought to be removed, which notice shall set forth clearly and distinctly the reasons for his removal. Any person appointed to fill any vacancy shall serve for the unexpired term of the person whose office he is appointed to fill. The neglect or refusal of any person so appointed as inspector as aforesaid to appear and qualify as an inspector within the time herein prescribed shall be deemed to create a vacancy in said office.

What shall constitute refusal under this act.

Certificate of appointment.

Term of office.

Removal.

Vacancy.

What constitutes a vacancy.

OF ELECTIONS.

Poll clerks. Qualification.

10. They shall appoint as poll clerks two persons of different political faith and opinion and possessing the other qualifications of inspectors of elections required by this act, who shall be in all respects similarly named, selected, notified, examined, appointed, commissioned and sworn as in this act required for the appointment of inspectors in and for such election districts. Said poll clerks shall hold office for the same period of time and upon the same conditions as are above prescribed for inspectors of election, and shall receive a like certificate of appointment. In case of refusal or neglect on the part of any person so selected to be a poll clerk to comply with the above requirements, or to serve, or to act, he shall be liable to a penalty of two hundred dollars, recoverable in the same manner and for the same use as the penalty above provided in case of refusal or neglect on the part of an inspector of election.

Term of office.

Penalty for refusal or neglect to comply.

Vacancies how filled.

Whenever, from any cause, there shall exist a vacancy in the office of inspector of election or poll clerk, a person appointed to fill such vacancy shall be named by such member, or such of the members of the department or his successor or their successors as named the inspector or poll clerk in whose place any such person is designated. Inspectors of election and poll clerks appointed in pursuance of the provisions of this act shall be entitled to receive three dollars for each day's service at any registration or election, such compensation not to exceed in the aggregate the sum of fifteen dollars; *provided*, that the inspector whose duty it shall be to attend the meeting of the board of canvass shall receive the additional sum of three dollars as a compensation for said attendance. The said compensation shall be paid on the certificate of the president of the Department of Elections, as to the period of service, but no payment shall be made to any person as inspector of election or poll clerk who shall not have taken, subscribed and filed the oath or affirmation required therein, and who shall not, during the period of his service have fully complied with all the requirements of law in anywise relating to his duties; and the acting of any such person in either of said capacities, without having taken, subscribed and filed the said oath or affirmation, shall be deemed to be a misdemeanor and punished as such. Inspectors of election and poll clerks, during the time they hold such office, shall be exempt from the performance of military and jury duty, and no person who, by the law of this State, is exempt from

Compensation.

Proviso.

How paid.

Oath, failure to take or comply with

Exemption from certain duties.

jury duty, shall be required to serve as an inspector or poll clerk under this act.

Inspectors to meet and perform the following acts.

SECTION 4. The inspectors of election appointed pursuant to the provisions of this act shall, at the times in this act designated for registration, meet in their respective election districts at the places which, as provided in this act, shall be designated therein for such meeting, and at such times in each election district the said inspectors of election shall openly and publicly do and perform the following acts, viz:

Organization.

1. They shall organize as a board by selecting one of their number to act as chairman, but in case of failure to so organize within fifteen minutes after the time fixed for meeting, the chairman shall be selected by lot.

Application.

2. They shall receive and enter upon their several registers the application for registration of all male persons who shall personally present themselves.

Session.

3. They shall remain in session on each of said days and on each of the days for revision of registration from between the hours of eleven and twelve o'clock in the forenoon and seven o'clock in the afternoon.

Examination of all persons applying for registration.

4. They shall examine all persons who personally apply as to their qualifications as electors, and shall each, in a separate book, immediately and in the presence of the applicant enter in the Register, to be made and furnished as provided in this act, the statements and facts below set forth and in the manner following, viz:

Residence.

First—Under the column "residence" the name and number of the street, avenue, or other location of the dwelling, if if there be a number, and if there shall not be a number, such clear and definite description of the place of said dwelling as shall enable it to be readily ascertained, fixed and determined; and if there shall be more than one house at the number given by the applicant as his place of residence, in which house he resides; and if there be more than one family residing in said house, either the floor on which he resides (every floor below the level of the ground being designated as the basement, the first floor on or above such level as the first floor, and each floor above that as the second or such other floor, as it may be), or the number or location of the room or rooms occupied by the applicant and whether front or rear.

OF ELECTIONS.

Name. Second—Under the column "name" the name of the applicant, giving the surname and Christian name or names in full, and also any other name by which he is generally known, with the initial or initials of any other name or names which he may have in addition thereto, the surname being written first; but the names of all persons residing in the same dwelling to follow each other and to be under the street and house number or other description, as provided of the dwelling.

Sworn. Third—Under the column "sworn" the word "yes" or "no," as the fact shall be.

Nativity. Fourth—Under the column "nativity" the state, county, kingdom, empire, or dominion, as the fact shall be stated by the applicant.

Color. Fifth—Under the column "color" the word "white" or "colored," as the fact may be.

Term of residence. Sixth—Under the subdivision of the general column "term of residence" the period by months or years stated by the applicant in response to the inquiries made for the purpose of ascertaining his qualifications and filling such column.

Naturalization. Seventh—Under the column "naturalized" the word "yes" or "no," or "native," as the facts shall appear.

Qualified or disqualified. Eighth—Under one of the columns "qualified," "may become qualified," or "disqualified," as the fact shall appear and be determined by at least two of the board of inspectors of election, the name in full of the applicant, and through the remaining two of said three columns and opposite to his name a heavy line in ink; it being however required to designate as qualified voters all persons who at the time of application appear in all respects to be duly qualified under the constitution and laws of the State of Delaware to vote at the next ensuing election; and any male citizen of the age of twenty-one years and under the age of twenty-two years, having resided within the State one year next before the election and the last month thereof in the county where he may offer to vote; and to designate as persons who may become qualified all such as are not at the time of application but may, under the constitution and laws aforesaid, be entitled to vote before the closing of the polls on the day of said next ensuing election; and as persons disqualified all such who under the constitution and laws aforesaid are not at the time of application and cannot, before the closing of

said polls on the day of the next ensuing election as aforesaid, be entitled to vote, and under the column "why disqualified" briefly the ground or reason of such disqualification. *Provided* that any applicant marked upon any day of registration or revision of registration as "disqualified" shall, upon any succeeding day of registration, or upon the day of election next succeeding such day of registration or revision of registration, be entitled to be heard; and if he shall produce evidence satisfactory to the board of inspectors that he was, on the day of his first application, improperly adjudged disqualified, they shall enter his name as one of an original applicant, writing his name in the column "qualified," or "may become qualified," as the case may be; and shall strike out the previous entry of his name from the registers by drawing a heavy black line in ink through the same, and opposite thereto, in the column headed "remarks," enter the word "reconsidered," together with the date thereof and initials of the name of the inspector making the same. Proviso.

Ninth—Under the column "date of application" the month, day and year when the applicant presented himself. Date of application.

SECTION 5. On the days and at the times in this act designated for any revision of any general registration, the duly qualified inspectors of election shall meet in their respective election districts, at the places which, in accordance with the requirements of this act, shall have been provided for such meetings, and shall openly and publicly do and perform the following acts, namely: each and every of the duties and requirements set forth in sub-divisions one and three of Section 4 of this act. They shall in each election district receive the applications for registration of all such male persons whose names are not then borne upon the registers thereof as qualified voters therein as shall personally present themselves, and who, on the day of election next ensuing, would be entitled to vote therein; and as to all applications made to them shall proceed in the manner provided in sub-division 4 of Section 4 of this act; *provided*, that if, upon examination, as in this act provided for, of any applicant for registration it shall appear that he has, since the last day of any general registration of voters or revision thereof in the said city of Wilmington, moved into or become a resident of said election district, the said inspectors shall inquire from whence such applicant removed or came; and if it shall appear that such removal was from a place Inspectors to meet in their respective election districts to perform certain duties. Applications Proviso

within the said city or State, they shall inquire if, in the election district in which he resided at the time of the last preceding general registration (naming such time), or in which he has resided at any time subsequent thereto, he has been registered, or has applied for registration; and if he state that he has not, then the said inspectors shall proceed with said application as with that of any other person who may apply to them, but if he shall state that he has been so registered, the said inspectors shall, before further proceeding, require him to present to them a certificate of removal, as provided for in this act, so that his name shall not be upon the registers of two election districts, and upon the presentation to any board of inspectors of any certificate of removal, the said board shall treat the person presenting the same in the manner provided in sub-division 4 of Section 4 of this act for applicants for registration.

Removal of voter from registration district.

SECTION 6. Any person who shall at any time, as provided in this act, have applied to the inspectors of election in any election district of said city of Wilmington for registration, and shall have, in the registers thereof, been entered as a qualified voter, and who shall, at any time prior to the close of any revision of registration, have removed from the dwelling place under which he shall as a resident be borne upon the registers, may, upon any day provided in this act for meetings of the inspectors of election, other than the day of any election, personally appear before the said inspectors in the election district in which he resided at the time his name was entered upon the said registers, during the hours in this act provided for their sessions for such revision, and, if challenged, shall publicly take and subscribe before one of said inspectors the following oath or affirmation, which shall be known as an oath of removal:

Oath of voter removing

"I, ———— residing in the ———— election district of the city of Wilmington, do solemnly swear (or affirm) that I, duly entered in the registers of said election district from said residence as a qualified voter, have removed my place of residence to number ———— in the ———— election district of the city of Wilmington, and I do hereby request that the proper entries be made as the same are provided for by law, and that a certificate of removal be furnished me at this time."

Upon such oath or affirmation being made and subscribed as herein provided, it shall be the duty of the said inspec-

tors to carefully preserve the same. And upon such application, (or in case of challenge) upon any such person so taking and subscribing said oath of removal, the said inspectors of election, if satisfied of the identity of the person making the same with the person he claims to be as the description of said last mentioned person shall appear on the register, and if not satisfied therewith, shall at once, by any one whom said board shall specially authorize, make an examination and inquiry at the place of residence of such person, as the same shall be entered upon the registers, as to the fact of the removal of such person from said dwelling place, when, if his removal therefrom shall be found by the report of such person to be a fact, shall immediately proceed to strike from said registers the name of such person by entering in each of the registers, opposite to and against the name of any such person, and in the column headed "Why Disqualified," the word "Removed;" in the column headed "Date of Erasing Name," the month, day and year of such striking from said registers such name; and in the column headed "Remarks," the words "Transferred to," together with the number of the election district to which such person shall, in his oath of removal, state he has removed, and the initial letters of the name of the inspector who shall in each of said registers make such entries; and shall, through the name of any such person, as the same shall appear on said registers, and there only, draw a line as indicative that such name is erased from the registers of that election district, and the name of any such person so found stricken and erased from said registers shall, as to his name and residence at the place in said registers entered under the column of "Residence," be thereafter considered by the Department of Elections, all inspectors of election, and all other election officers, to be stricken from the registers of that election district, and shall be treated as if never entered thereon. If the dwelling place to which any such person shall have removed be within the boundaries of the same election district as was his former residence, as stated in the registers of said election district, the said inspector shall, in said registers, under the number or other description of the dwelling place to which such person has removed, enter his name, and in the several columns opposite and against the same, such words and figures as prior to the striking from or erasing the name of such person in the manner in this section above provided, where in the

Duty of inspector in case of removal.

columns similarly headed and opposite to and against the name of each person as upon said registers it appeared under the dwelling place from which he shall have declared he has removed; and if the dwelling place to which any such person shall have removed shall be within the boundaries of any other election district than was the residence under which he was previously entered on said registers, the said inspectors of election shall fill up, sign and deliver to such person a certificate, which shall be known as a certificate of removal, and shall be in the words and figures following, to wit:

"CERTIFICATE OF REMOVAL.

Certificate of removal.

"Polling place of the ———— election district in the city of Wilmington, ———— 189—.

"To the board of inspectors of election ———— election district: This is to certify that the name of ———— heretofore residing at ———— in this election district, has been by us, the inspectors of election in this district, stricken from the registers of this district and the proper erasures made upon the oath of removal, and at the request of said above-mentioned person, and that upon the registers of this election district were entered as to him the following statement:

Name	Color . . . . .
Residence	Term of Residence . . . . .
Sworn	State . . . . .
Nativity	County . . . . .
	Naturalized . . . . .
	Date of Application . . . .
	———— ————
	———— ————
	———— ————
	———— ————"

Stamping tax receipt.

SECTION 7. The said inspectors shall immediately upon entering the name of an applicant upon the register require him to present his proper tax receipt, and shall stamp said receipt presented by him with the word "registered," the number of the district, and also the day and year of registering in letters and figures.

Certificate of inspectors.

SECTION 8. The said inspectors shall, in each election district, at the close of each day of registration or revision of registration, in a place to be provided therefor in each of

the Registers required in this act, fill up, date, and each sign a certificate, which shall be either printed or written, and shall be in the words and figures following, to wit:

Form of certificate.

"We, the undersigned, inspectors of election in the ——— district of the ——— ward of the city of Wilmington, do jointly and severally certify that at the registration of voters held in the said election district on the ——— day of ——— in the year ———, there were registered by us as qualified voters in the said election district the names which are entered in this book as of said day, and that the number of such registered and qualified voters was and is ——— and that there were also registered by us as persons who may become qualified to vote before the time of the close of the polls in the said election district, on the day of the next ensuing election, the names which are entered in this book as of said day, and that the number of such was and is ———."

Duty of inspectors.

SECTION 9. The said inspectors shall, in each election district on each day of registration and revision of registration, before adjourning, enter in a book prepared for that purpose, which shall be known as a public copy of the registers, all such names and residences, and all such data, information and statements as during the day have been entered by the inspectors of election in the registers provided in this act. And the whole four books shall, on each of said days after the completion of such copy of the registers, be carefully compared throughout, so that each of the registers and the copy thereof shall in every respect agree with each other, and contain the name and residence of each person who shall have applied for registration and the facts respecting him, as the same shall have been stated by him and entered in the registers, as provided in this act. The said inspectors shall, on the last days of any registration and revision of registration, certify the said copy in the same manner as if it were an original, and within forty-eight hours after their adjournment on said last day of such registration or revision of registration shall leave it suspended in the place where such registration was conducted, where it shall be and remain until the day of the next ensuing election, to the end that the same may be inspected and copied by any elector; but on the day of such election the said inspectors shall take possession of said public copy, and the chairman shall closely retain the same throughout the said day, re-

Comparing of registers.

Certification of copy of registration.

Custody of copy.

turning it to the Department of Elections, as provided in this act for the return of the register kept by him; and shall within the same time deliver to the Department of Elections, to be filed in their office, one of the registers made by them, and the other two registers in each election district shall be retained and carefully preserved by the inspectors.

Proviso. *Provided* that the inspector who is of different political faith and opinion from his associates shall retain the possession and custody of the register made by him for the use of himself or his successor in office (if such there be) at the next election.

Department of Elections to compare Registers, etc.

SECTION 10. The Department of Elections shall have the right and it shall be their duty to carefully examine and compare with each other the several registers required by Section 9 of this act to be filed in their office, and when it shall appear by any data in their possession that any person has registered in more than one election district, they shall, upon due inquiry, strike his name from the register of any or all election districts in which he is not a qualified voter, and to and against his name under the column "why disqualified," in such register or registers, state the reason therefor,

Time of delivery of Register to Inspectors. and shall, on the morning of the day of the next election, between the hour of seven o'clock a. m. and the time prescribed for opening the polls, deliver to the inspectors in each election district, at the polling place therein, the register made by the inspector of such district and so corrected

Duty of Inspectors. by the Department of Elections; and it shall be the duty of the inspectors in each election district to be present at said polling places at or before the hour of seven o'clock a. m., and there remain until the polls are closed and their duties

To compare Registers of election district. at such polling places are at an end. After receipt of the corrected register from the Department of Elections and before the hour of election they shall carefully compare it with the other registers and the public copy of the registers of the said election districts and make them agree in all respects with said corrected register, so that at the hour of the election all three of the registers at each election district and the public copy thereof shall in all respects agree.

Inspectors to have Registers at polling place.

SECTION 11. The inspectors of election in each election district shall, on the day of any election therein, have with them at the polling place in said district the registers provided for in this act. They shall each make use of one of said registers for guidance on said election day and no

vote shall be received from any person whose name shall not be found, by at least two of them, to be upon two, at least, of the said registers, as a qualified voter, or as one who may become qualified, and who at the time of offering to vote has perfected his qualifications as an elector under the constitution and laws of this State. The chairman of said inspectors in each election district shall, if present, and if absent, then one of the other inspectors shall, upon any person offering to vote, announce in a loud, clear and distinct manner the name as given of such person; and no ballot shall be received by any of the inspectors or deposited in the ballot-box until at least two of said inspectors shall, as hereinabove provided, have examined and found the name and residence of such person and have declared the same, and that such person is entered as a qualified voter, or as one who may become qualified. When, if the vote of the said person is received, each of the inspectors shall, in the register made by him, in the appropriate sub-division of the column bearing the heading "Voted," and opposite to the name and residence of such person,* the word "Yes." And one of them shall immediately stamp his tax receipt with the word "Voted," and the number of the election district, also the day and year of voting in letters and figures. It shall be the duty of each of the inspectors to note on the said register in his possession, in a suitable and separate part thereof the name and residence of each and every person, if any, whose vote shall in his opinion be received in contravention of the provisions of this section or the constitution and laws of this State, and the name of the inspector or inspectors, if any, who shall so receive or deposit in the ballot-box any such vote; and it shall further be the duty of each of the inspectors, immediately on the close of the polls on the day of election, to compare the said registers as kept by them, as herein provided, and attach to them a certificate in writing that the same are correctly checked, and within twenty-four hours after the completion of the canvass of the votes cast in the election district in which they serve, each inspector shall leave his register at the office of the Department of Elections, where it shall be filed and preserved; and in no election district in this city shall any inspector who has custody or charge of any of the registers, in this chapter provided for, ever permit said register to leave his possession (except it be the one filed in the Department of Elections, as provided in

Voting.

Chairman to announce name.

Who shall vote.

Entries.

Entries of illegal votes received.

Register to be delivered to Department of Elections.

* So enrolled.

this act) from the time of receiving custody of the same until he shall file the same, as provided in this section, save in the event of his resignation or removal, and the appointment, as provided in this act, of his successor, when he shall promptly surrender and turn over the same to him.

Challenges.

SECTION 12. Any person applying to register, or offering to vote, or who is registered, may, on any day of registration or of election, be challenged by any qualified voter in the city, and any one of the inspectors of election in any election district in the city of Wilmington may at any such time or times, and one of them shall administer to any person so challenged the following oath or affirmation:

Oath of voter challenged.

"You do solemnly swear (or affirm) that you will fully and truly answer all such questions as shall be put to you touching your place of residence, name, place of birth, age, your qualifications as an elector, and your right as such to register (or to vote) under the laws of this State."

Witness.

And may also administer to any person who may be offered as a witness to prove or disprove the qualification of any person claiming the right to be registered, or to vote, the following oath or affirmation:

Oath of witness.

"You do solemnly swear (or affirm) that you will fully and truly answer all questions as shall be put to you touching the place of residence and other qualifications as an elector of the person (name to be given) now claiming the right to be registered as a voter (or to vote as the case may be) in this district."

Challenges.

SECTION 13. Any person who is a qualified voter in the city may, upon the day of registration, or of election, require the name of any registered person to be marked for challenge, and on such day or days shall be entitled to be heard by the inspectors of election in any election district in relation to the correctness of their registers.

Party challengers.

SECTION 14. At every election held under the provisions of this act each political party shall have the right to designate, place and keep a challenger at each place of registration and voting, who shall be assigned such position immediately adjoining the inspectors of election and upon the inside of the window as will enable him to see each person as he offers to register or to vote, and who shall be protected in the discharge of his duty by the inspectors of election. Each political party may remove any challenger appointed

by it, and all vacancies which, from any cause, shall arise shall be filled by the same party, power and authority as conferred the original appointment. Removal or vacancies of challengers.

SECTION 15. The poll clerks at each poll in any such city shall keep, in ink, a poll list in books, to be prepared and furnished for that purpose, which shall contain a column headed "name of voter," a column headed "residence," and a column headed "remarks." Duty of poll clerks.

SECTION 16. The poll books referred to in the preceding section shall be in the form as follows: Poll books.

ELECTION DISTRICT. Form of poll books.

RESIDENCE.	NAME OF VOTER.	REMARKS.
. . . . .	. . . . .	. . . . .
. . . . .	. . . . .	. . . . .
. . . . .	. . . . .	. . . . .
. . . . .	. . . . .	. . . . .

The name of each elector voting shall be entered by each poll clerk in the column of his poll list headed "name of voter," and the residence of each such elector in the column headed "residence," and in the column of "remarks," opposite the name of each person challenged, shall be noted the oath or oaths offered and taken by any such person. Entries in poll books.

SECTION 17. In each election district in the city it shall be the duty of the inspectors of election, immediately after the close of the polls on the day of any such election, before proceeding with the canvass of the ballots in the box, and while the poll clerks are canvassing their books, to write, in ink, opposite to and against the name of each person entered in their registers who is not shown by said Register to have voted, and in the column headed "Voted," in the appropriate sub-division thereof, the word "no," so that the said column may be fully filled up, and the said inspectors shall then compare the said registers, make them agree, and ascertain the number of persons who by them are shown to have voted at that poll that day, and when they have made comparison and ascertained such fact, the chairman of the board of inspectors, or, in his absence, the inspector acting as such shall announce the same in a loud voice. Entries by inspectors. Announcement by chairman.

OF ELECTIONS.

Duty of officers after the closing of election.

SECTION 18. From and after the closing of the poll of an election and until the conclusion of the proceedings of the board of canvass, at the courthouse in the county, as provided by law, after the day of election, the canvass, tally, and certification of the result, shall proceed and be to all respects in accordance with the existing laws of this State; the chairman of each board of inspectors, as constituted by this act, performing the duties required by law of an inspector, and the other two inspectors the duties required of judges of election.

Absence of inspectors, how remedied.

SECTION 19. If at the time for opening any registration, revision of registration or any election, the inspectors or a majority of them be not present at the place of registration or election, the voters there may, without ballot, by plurality, choose a person to supply the place of every such absent inspector, but the inspector or inspectors so chosen shall be of the same political faith and opinion as the person or persons for whose place or places he or they may be chosen to fill; and if, at the time aforesaid, either or both

Absence of clerks.

of the poll clerks be not present at the place of election, the inspectors shall choose the person or persons to fill the

Proviso.

place or places of such absent clerk or clerks; *provided*, that the person or persons so chosen shall be of the same political faith and opinion as the person or persons for whose place or

Persons appointed to fill vacancies

places he or they may be chosen to fill. When any person shall be chosen to fill the place of an absent inspector or poll clerk, he shall, before entering upon his duties, take and subscribe the oath as provided in Section 3 of this act; and a blank form of said oath shall be printed or written in the back of the register provided to be furnished to the inspectors

What shall constitute a vacancy.

of election under this act. The failure of an election officer appointed by the Department of Elections to appear and enter upon the performance of his duties at the time or times prescribed in this act for any registration, revision of registration or election, shall constitute a vacancy, and the person or persons selected under the provisions of this section to fill any or all such vacancies shall hold office for the unexpired term or terms of his or their predecessors, under and subject to all the provisions of this act respecting the same.

Placing of ballot box.

SECTION 20. Every ballot-box shall be so placed at a window or elsewhere that the voters depositing any ballot, and each challenger, may conveniently see every ballot received by the inspectors and deposited in the ballot-box. No

screen or other obstruction to such view of any ballot-box by the voter or challenger shall be allowed. Screens.

SECTION 21. The said Department of Elections may rent some suitable and convenient place in the said city, and fit up the same for an office for the use of the said Department of Elections at a yearly rental not to exceed three hundred dollars. Office for Department of Election.

SECTION 22. No person who is registered in one election district shall register or cause himself to be registered in another district. Registering more than once.

SECTION 23. For all power, authority, and duties in this act prescribed for or conferred upon and all actions required of inspectors of election, save where such authority or action is specifically allowed to any of said inspectors, the concurrence or assent of a majority of all the inspectors of election in any election district must in all cases be obtained. Majority of inspectors must concur in all actions, etc.

SECTION 24. No person shall be required to serve as an inspector of election for two successive terms. Inspector required to serve but one term.

SECTION 25. The several inspectors of election, and poll clerks, in this act named and created, are and shall be in all courts and proceedings deemed and held respectively to be election officers; and it shall be the duty of the said inspectors of election, and poll clerks, respectively, or a majority of said inspectors, to be in constant attendance during the hours and times fixed for the discharge of their several duties. Election officers. Attendance of election officers.

SECTION 26. Any inspector of election, poll clerk, or any challenger, appointed in compliance with the provisions of this act, shall at any time between the first day of registration or revision of registration, as required by this act, preceding any election and ten days after the official declaration and certificate of the result of any such election, have full power and authority to make a thorough and effective canvass of the election district in and for which he has been or was designated to serve and act upon any day of registration, or revision of registration, or election, and to make full inquiry respecting any and every resident of any dwelling, building, or other place of abode in any such election district, his age, term of residence, and qualifications as a voter; but the power and authority by this section conferred upon any inspector of election, poll clerk, or challenger, shall wholly Duty of election officers to make canvass of election district.

cease upon his resignation or removal from the office or position to which he was appointed, or for which he was designated.

Powers and duties of inspector of election while holding election.

SECTION 27. The inspectors of election in each election district, while discharging any of the duties imposed upon them by this act, shall have full authority to preserve order and enforce obedience to their lawful commands at and around the place of registration or election during the time of any registration or revision of registration, election or canvass, estimate or return of votes, to keep the access to such places open and unobstructed; to prevent and suppress riots, tumult, violence, disorder and all improper practices tending to the intimidation or obstruction of voters, the disturbance or interruption of the work of registration or voting, or the canvass estimate or return of votes, and to protect the voters and challengers from intimidation and violence, and the registers, poll books, boxes and ballots from violence and fraud, and to deputize, if necessary, one or more electors to communicate their orders and directions and to assist in the enforcement thereof.

Compensation of members of Department of Elections, how paid.

Compensation of other election officers and necessary expenses, how paid.

SECTION 28. The legal compensation of all members of the Department of Elections shall be paid quarterly on the last day of March, June, September and December by the State Treasurer out of any money belonging to the State not otherwise appropriated. The compensation of inspectors of election, poll clerks and other officers of election, as provided for by this act, the cost and expenses of all necessary election notices, posters, maps, advertisements, registers, books, blanks, stationery, the rent and cost of fitting-up, warming, lighting, cleaning and safe keeping of all places of registration and polling places; of furnishing, repairing and carting ballot-boxes, and the cost of all supplies of every kind and nature for elections in said city shall be paid as other general election expenses are, and upon proper warrants and vouchers made by the Department of Elections.

Duty of city surveyor.

SECTION 29. It shall be the duty of the city surveyor to furnish to the Department of Elections of said city, upon their request, a map or maps of the several wards of the city, or any and all portions thereof.

SECTION 30. Hereafter it shall not be lawful for any of the authorities, officers or agents of the said city of Wilming-

ton to number or re-number, or change the name of any street, avenue, lane, road or way in the said city, or in anywise change or alter any such number or name, save between the first day of July and the last day of August, of any year. Change of number or name of streets, etc.

SECTION 31. It shall be unlawful for any inspector of election, poll clerk or challenger, during the election or canvass of ballots, or any person or persons within the polling place, to electioneer or engage in any political discussion. Any violation of this section shall be a misdemeanor, and shall be punished by imprisonment in the county jail for not more than ninety days or by fine not more than two hundred dollars, or both. Electioneering or engaging in political discussion. Penalty.

SECTION 32. Whoever, during the sitting of any board of inspectors of election in any election district in the city, whether held for the purpose of registration, revision of registration, reception or canvass of votes, or of making return thereof, shall bring, take, order, or send into, or shall attempt to bring, take, or send into any place of registration, revision of registration, or of election, any distilled or spirituous liquors whatever, or shall, at any such time and place, drink or partake of any such liquor, shall be deemed and held to be guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for not more than ninety days, or by a fine of not more than one hundred dollars, or both. Intoxicating and spirituous liquors. Penalty.

SECTION 33. If, at any registration, or revision of registration of voters, or at any meeting of inspectors of election held for such purpose, as provided in this act, any person shall falsely personate an elector, or other person, and register, or attempt or offer to register in the name of such elector, or other person, or if any person shall knowingly or fraudulently register, or offer, or attempt to make application to register in or under the name of any person, or in or under any false, assumed, or fictitious name, or in or under any name not his own, or shall knowingly or fraudulently register in two election districts, or, having registered in one district, shall fraudulently attempt to offer to register in another, or shall fradulently register, or attempt or offer to register in any election district not having a lawful right to register therein, or shall knowingly or willfully do any unlawful act to secure registration for himself or any other person, or shall knowingly, willfully, or fraudulently, by false personation, or otherwise, or by any Personation Registry in wrong district or in more than one.

unlawful means, procure, or attempt to cause or procure the name of any qualified voter in any election district to be erased or stricken from any register of the voters of such district, made in pursuance of this act or otherwise than in this act provided; or by force, threat, menace, intimidation, bribery, reward, or offer, or promise thereof, or other unlawful means, prevent, hinder, or delay any person having a lawful right to register or be registered, from duly exercising such right, or who shall knowingly, willfully, or fraudulently compel or induce, or attempt, or offer to compel, or induce by such means, or any unlawful means, any inspector of election or officer of registration in any election district, to register or admit to registration any person not lawfully entitled to registration in such district, or to register any false, assumed, or fictitious name, or any name of any person except as provided in this act, or shall knowingly, or willfully or fraudulently interfere with, hinder or delay any inspector of election, or other officer of registration in the discharge of his duties, or counsel, advise or induce, or attempt to induce any such inspector or other officer to refuse or neglect to comply with or to perform his duties, or to violate any law prescribing or regulating the same, or shall aid, counsel, procure, or advise any voter, person, inspector of election, or other officer of registration, to do any act by law forbidden or in this act constituted an offense, or to omit to do any act by law directed to be done; every such person shall, upon conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county jail not more than two years, or by fine not more than two hundred dollars, or both.

Intimidation

Intimidation or interference with election officer.

Penalty.

Personation of voters.

Fraudulent voting.

SECTION 34. If at any election hereafter held in the said city as provided in this act any person shall falsely personate any elector or other person, and vote or attempt or offer to vote in or upon the name of such elector or other person, or shall vote or attempt to vote in or upon the name of any person whether living or dead, or in or upon any false, assumed or fictitious name, or in or upon any name not his own, or shall knowingly, willfully or fraudulently vote more than once for any candidate for the same office, or shall vote or attempt or offer to vote in any election district without having a lawful right to vote therein, or to vote more than once or to vote in more than one election district, or having once voted shall vote or attempt or offer to vote again, or shall knowingly, willfully or fraudulently do any unlawful act to

secure an opportunity for himself or for any other person to vote, or shall by force, threat, menace, intimidation, bribery or reward or offer or promise thereof, or otherwise, unlawfully either directly or indirectly influence or attempt to influence any elector in giving his vote, or prevent or hinder or attempt to prevent or hinder any qualified voter from freely exercising the rights of suffrage or by any such means induce or attempt to induce any such voter to refuse to exercise any such right, or shall by any such means or otherwise compel or induce or attempt to compel or induce any inspector of election or other officer of election in any election district to receive the vote of any person not legally qualified or entitled to vote at the said election in such district, or shall knowingly, willfully or fraudulently interfere with, delay or hinder in any manner any inspector of election, poll clerk, or other officer of election in the discharge of his duty, or by any of such means or other unlawful means, knowingly, willfully or fraudulently counsel, advise, induce or attempt to induce any inspector of election, poll clerk, or other officer of election whose duty it is to ascertain, proclaim, announce or declare the result of any such election, or to give or make any certificate, document, report, return or other evidence in relation thereto, to refuse or neglect to comply with his duty, or to violate any law regulating the same, or to receive the vote of any person in any election district not entitled to vote therein, or to refuse to receive the vote of any person entitled to vote therein, or shall aid, counsel or advise, procure or assist any voter, person or inspector of election or other officer of election to do any act by law forbidden, or in this act constituted an offense, or to omit to do any act by law directed to be done, every such person shall upon conviction thereof be adjudged guilty of a misdemeanor and shall be punished for each and every offense by imprisonment in the county jail for not more than two years or by a fine of not more than two hundred dollars, or both.

Intimidation and bribery.

Penalty.

SECTION 35. If any poll clerk or inspector of election performing the duty of poll clerk shall willfully keep a false poll list or shall knowingly insert in his poll list any false statement or any name or statement, or any check, letter or mark except as in this act provided, he shall, upon conviction thereof, be adjudged guilty of a misdemeanor and shall be punished by imprisonment in the county jail for not more than two years, or by a fine of not more than two hundred dollars, or both.

Poll clerks making false entries.

Penalty.

OF ELECTIONS.

Failure of inspector to perform his duty.

SECTION 36. Every inspector of election who shall willfully exclude any vote duly tendered, knowing that the person offering the same is lawfully entitled to vote at such election, or shall willfully receive a vote from any person who has been duly challenged in relation to his right to vote at such election without exacting from such person such oath or other proof of qualification as may be required by law, or who shall willfully omit to challenge any person offering to vote whom he knows or suspects not to be entitled to vote, and who has not been challenged by any other person, shall upon conviction thereof be adjudged guilty of a misdemeanor and shall be punished by imprisonment in the county jail for not more than two years, or by a fine of not more than two hundred dollars, or both.

Penalty.

Election officers making false canvass or entries, &c.

SECTION 37. Every inspector of election, member of the Department of Elections, poll clerk, or other officer authorized to take part in or perform any duty in relation to any canvass or official statement of the votes cast at any election, who shall willfully make any false canvass of such votes, or shall make, sign, publish or deliver any false returns of such election, or any false certificate or statement of the result of such election, knowing the same to be false, or who shall willfully deface, destroy or conceal any statement or certificate intrusted to his care or custody, shall, on conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county jail not more than two years, or by a fine of not more than two hundred dollars, or both.

Penalty.

Fraudulent voting by inspectors, &c.

SECTION 38. If any person, other than an inspector of election, shall at any election knowingly and willfully put or cause to be put any ballot or ballots or other paper having the semblance thereof into any box used at such election for the reception of votes, or if any such inspector shall knowingly and willfully cause or permit any ballot to be in said box at the opening of the polls and before voting shall have commenced, or shall knowingly or willfully or fraudulently put any ballot or other paper having the semblance thereof into any such box at any such election, unless the same shall be offered by an elector and his name shall have been found and checked upon the registers, as hereinbefore provided, or if any such inspector or other officer, or person shall fraudulently, before, during or after the canvass of ballots, in any manner change, substitute or alter any ballot,

or shall remove any ballot or semblance thereof from, or add any ballot or semblance thereof to the ballots found in any box upon the closing of the polls, every such person shall upon conviction thereof be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for not more than two years, or by a fine of not more than two hundred dollars, or both. Penalty.

SECTION 39. If any member of the Department of Elections, any inspector of election, poll clerk, or other officer of registration, election or canvass, of whom any duty is required in this act, or by the general election laws of this State (so far as the same are consistent with the provisions of this act), shall be guilty of any willful neglect of such duty, of any corrupt or fraudulent conduct or practice in the execution of the same, he shall, on conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for not more than two years, or by a fine of not more than two hundred dollars, or both. Willful neglect of duty by election officers. Penalty.

SECTION 40. Every inspector of election, poll clerk, or other officer or person having the custody of any record, register of votes, or copy thereof, oath, return of votes, certificate, poll list, or any paper, document, or evidence of any description in this act directed to be made, filed or preserved, who is guilty of stealing, willfully destroying, mutilating, defacing, falsifying, or fraudulently removing or secreting the whole, or any part thereof, or who shall fraudulently make any entry, erasure, or alteration therein, except as allowed and directed by the provisions of this act, or who permits any other person to do so, shall, upon conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished for each and every such offense by imprisonment in the county jail not exceeding two years, or by a fine of not more than two hundred dollars, or both. Stealing or secreting records, registers, &c. Penalty.

SECTION 41. Every person not an officer, such as is mentioned in the last preceding section, who is guilty of any of the acts specified in said section, or who advises, procures, or abets the commission of the same, or of any of them, shall, upon conviction thereof, be adjudged guilty of a misdemeanor, and for each and every such offense shall be punished by imprisonment in the county jail not exceeding two years, or by a fine of not more than two hundred dollars, or both. Abetting offenses named in Sec. 40. Penalty.

OF ELECTIONS.

Perjury.

SECTION 42. Any person who shall be convicted of willful false swearing or affirming in taking any oath or affirmation prescribed by or upon any examination provided for in this act shall be adjudged guilty of perjury.

Subornation of perjury.

SECTION 43. Every person who shall willfully or corruptly instigate, advise, induce, or procure any person to swear or affirm falsely, as aforesaid, or attempt or offer so to do, shall be adjudged guilty of subornation of perjury, and shall, upon conviction thereof, suffer the punishment directed by law in cases of perjury.

Tampering with ballots and voters.

SECTION 44. If any person shall fraudulently change or alter the ballot of any elector, or substitute one ballot for another, or fraudulently furnish any elector with a ballot containing more than the proper number of names, or shall intentionally practice any fraud upon any elector to induce him to deposit a ballot as his vote and to have the same thrown out and not counted, or to have the same counted for a person or candidate other than the person or candidate for whom such elector intended to vote, or otherwise defraud him of his vote, every such person shall, upon conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for not more than two years, or by a fine of not more than two hundred dollars, or both.

Disobeying inspectors.

SECTION 45. If any person shall willfully disobey any lawful command of any inspector of election, or of any board of inspectors of election, given in the execution of his or their duty as such at any election, he shall, upon conviction thereof, be adjudged guilty of a misdemeanor,

Penalty.

and shall be punished by imprisonment in the county jail for not more than one year, or by a fine of not more than two hundred dollars, or both.

Breach of peace, violence, threats, &c.

SECTION 46. If at any registration or revision of registration of voters or on any day of election, or during the canvass of the votes cast thereat, any person shall cause any breach of the peace or use any violence or threats of violence, whereby any such registration, revision of registration, election or canvass shall be impeded or hindered, or whereby the lawful proceedings of any inspector of election, or board of inspectors of election, or poll clerk or other officer of such election, or challenger, as hereinbefore provided, are interfered with, every such person shall, upon

conviction thereof be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for not more than two years, or by a fine of not more than two hundred dollars, or both. Penalty.

SECTION 47. If any person shall knowingly or willfully obstruct, hinder, assault, or by bribery, solicitation or otherwise interfere with any inspector of election, poll clerk or challenger in the performance of any duty required of him, or which he may by law be authorized or permitted to perform; or if any person by any other means before mentioned or otherwise unlawfully, shall on the day of registration, revision of registration, or of election, hinder, or prevent any inspector of election, poll clerk or challenger in his free attendance and presence at the place of registration or of election in the election district in and for which he is appointed to serve, or in his full and free access and egress to and from any such place of registration or election, or to and from any room where any such registration or election, or canvass of votes, or of making any returns or certificates thereof, may be had, or shall molest, interfere with, remove or eject from any such place of registration, or poll of election, or of canvassing ballots, cast thereat, or of making the returns or certificates thereof, any such inspector of election, poll clerk or challenger, or shall unlawfully threaten or attempt or offer so to do, every such person shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in the county jail for not more than two years, or by a fine of not more than two hundred dollars, or both. Obstruction, bribery and assault. Penalty.

SECTION 48. Any inspector of election who shall willfully neglect, or when called on shall willfully decline to exercise the powers conferred on him in this act for any of the purposes set forth in Section 27 of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment in the county jail for not more than one year or by a fine of not more than two hundred dollars, or both. Neglect or refusal to serve. Penalty.

SECTION 49. If any person shall steal, or willfully break or destroy any ballot box used or intended to be used at any election, or shall willfully or fraudulently conceal, secrete, or remove any such box from the custody of the inspectors of election, or shall alter, deface, injure, destroy or conceal any Stealing or destroying ballot-box, &c.

ballot which has been deposited in any ballot-box at such election, or any poll list used or intended to be used at such election, or any report, return, certificate, or other evidence in this act required or provided for, shall, on conviction thereof, be adjudged guilty of a misdemeanor, and shall for each and every such offense be punished by imprisonment in the county jail for not more than two years, or by a fine of not more than two hundred dollars, or both.

Penalty.

Majority decision.

SECTION 50. If, in any election district, in any registration, or revision of registration of voters, or at any election hereafter held in said city, any inspector of election, or poll clerk, shall knowingly or willfully admit any person to registration, or make any entry upon any register of voters or poll books, or receive any vote, or proceed with a canvass of ballots, or shall consent thereto, unless a majority of the inspectors of election in said election district are present and concur, he shall, upon conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for not more than sixty days, or by a fine of not more than one hundred dollars, or both.

Penalty.

Irregularities and defects.

SECTION 51. Irregularities or defects in the mode of noticing, canvassing, polling or conducting any election authorized by this act shall constitute no defense to a prosecution for a violation of the provisions of this act.

Prosecution.

Evidence.

SECTION 52. Upon any prosecution for procuring, offering or casting an illegal vote, the accused may give in evidence any fact tending to show that he honestly believed upon good reason that the vote complained of was a lawful one.

Duty of Attorney-General

SECTION 53. It is hereby made the special duty of the Attorney-General of the State of Delaware to immediately prosecute all complaints which may be made of a violation of any of the provisions of this act to final judgment; and it shall be the duty of the Department of Elections to notify the said Attorney-General of all violations under this act.

Inconsistent acts repealed.

SECTION 54. That all laws or parts of laws heretofore passed inconsistent with any of the provisions of this act be and the same are hereby repealed.

Passed at Dover, May 13, 1891.

CONSTITUTIONAL PROVISIONS

AND OTHER LAWS

RELATING TO THE GENERAL AND SPECIAL ELECTIONS.

Provisions of the State Constitution.

ARTICLE I.

SEC. 3. All elections shall be free and equal. Elections.

ARTICLE II.

SEC. 2. The representatives shall be chosen for two years by the citizens residing in the several counties. * * * * Representatives.

SEC. 3. The senators shall be chosen for four years by the citizens residing in the several counties. * * * * * Senators.

If the office of representative, or the office of senator, become vacant before the regular expiration of the term thereof, a representative or a senator shall be elected to fill such vacancy, and shall hold the office for the residue of said term. Vacancies.

When there is a vacancy in either house of the General Assembly, and the General Assembly is not in session, the Governor shall have power to issue a writ of election to fill such vacancy; which writ shall be executed as a writ issued by the speaker of either house in case of vacancy.

* * * * * * * * * * *

SEC. 13. When vacancies happen in either house, writs of election shall be issued by the speakers respectively, or in cases of necessity, in such other manner as shall be provided by law; and the persons thereupon chosen shall hold their seats as long as those in whose stead they are elected might have done, if such vacancies had not happened. Vacancies.

OF ELECTIONS.

ARTICLE III.

Governor. SEC. 2. The Governor shall be chosen by the citizens of the State. The returns of every election for Governor shall Election returns. be sealed up, and immediately delivered by the returning officers of the several counties to the Speaker of the Senate, or in case of the vacancy of the office of the Speaker of the Senate, or his absence from the State, to the Secretary of State, who shall keep the same until a Speaker of the Senate shall be appointed, to whom they shall be immediately delivered after his appointment, who shall open and publish the same in the presence of the members of both houses of the Legislature. Duplicates of the said returns shall also be immediately lodged with the prothonotary of each county. The person having the highest number of votes shall be Election contested. Governor: but if two or more shall be equal in the highest number of votes, the members of the two houses shall, by joint ballot, choose one of them to be Governor; and if, upon such ballot, two or more of them shall still be equal and highest in votes, the Speaker of the Senate shall have an additional casting vote.

Contested elections of a Governor shall be determined by a joint committee, consisting of one-third of all the members of each branch of the Legislature, to be selected by ballot of the houses respectively: every person of the committee shall take an oath or affirmation, that in determining the said election, he will faithfully discharge the trust reposed in him; and the committee shall always sit with open doors.

ARTICLE IV.

Elections, when held. SEC. 1. All elections for Governor, Senators, Representatives, Sheriffs, and Coroners, shall be held on the Tuesday next after the first Monday in the month of November of the year in which they are to be held, and be by ballot.

Voters. And in such elections every * * * male citizen, of the age of twenty-two years or upwards, having resided in the Amendment State one year next before the election, and the last month thereof in the county where he offers to vote, and having within two years next before the election paid a county tax, which shall have been assessed at least six months before the election, shall enjoy the right of an elector; and every * * * * male citizen of the age of twenty-one years and under the age of twenty-two years, having resided as aforesaid, shall be entitled to vote without payment of any tax: *Pro-*

OF ELECTIONS.

vided that no person in the military, naval, or marine service of the United States, shall be considered as acquiring a residence in this State, by being stationed in any garrison, barrack, or military or naval place or station within this State; and no idiot, or insane person, pauper, or person convicted of a crime deemed by law felony, shall enjoy the right of an elector; and that the Legislature may impose the forfeiture of the right of suffrage as a punishment for crime.

Privileged from arrest.

SEC. 2. Electors shall in all cases, except treason, felony or breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning from them.

ARTICLE VII.

Representatives in Congress.

SEC. 2. The representative, and when there shall be more than one, the representatives of the people of this State in Congress, shall be voted for at the same places where representatives in the State Legislature are voted for, and in the same manner.

Sheriff and Coroner.

SEC. 3. The sheriff and coroner of each county shall be chosen by the citizens residing in such county. They shall hold their respective offices for two years if so long they behave themselves well, and until successors be duly qualified; but no person shall be twice chosen sheriff upon election by the citizens in any term of four years. They shall be commissioned by the Governor. The Governor shall fill vacancies in these offices by appointments to continue until the next election and until successors shall be duly qualified. The Legislature, two-thirds of each branch concurring, may vest the appointment of sheriffs and coroners in the Governor; but no person shall be twice appointed sheriff in any term of six years.

ARTICLE IX.

Amendments.

The General Assembly, whenever two-thirds of each house shall deem it necessary, may, with the approbation of the Governor, propose amendments to this constitution, and at least three and not more than six months before the next general election of representatives, duly publish them in print for the consideration of the people; and if three-fourths of each branch of the Legislature shall, after such an election and before another, ratify the said amendments, they shall be valid to all intents and purposes as parts of this

OF ELECTIONS.

Convention. constitution. No convention shall be called but by the authority of the people: and an unexceptionable mode of making their sense known, will be for them at a special election on the third Tuesday of May in any year to vote by ballot for or against a convention as they shall severally choose to do; and if thereupon it shall appear that a majority of all the citizens in the State, having right to vote for representatives, have voted for a convention, the General Assembly shall accordingly at their next session, call a convention, to consist of at least as many members as there are in both houses of the legislature, to be chosen in the same manner, at the same places, and at the same time that representatives are by the citizens entitled to vote for representatives, on due notice given for one month, and to meet within three months after they shall be elected. The majority of all the citizens in the State, having right to vote for representatives, shall be ascertained by reference to the highest number of votes cast in the State at any one of the three general elections next preceding the day of voting for a convention, except when they may be less than the whole number of votes voted both for and against a convention, in which case the said majority shall be ascertained by reference to the number of votes given on the day of voting for or against a convention; and whenever the General Assembly shall deem a convention necessary, they shall provide by law for the holding of a special election for the purpose of ascertaining the sense of the majority of the citizens of the State entitled to vote for representatives.

Majority.

OF ELECTIONS.

General Provisions Concerning Elections.

CHAPTER 16, REVISED CODE.

SEC. 1. At all elections for State or county officers, the electors shall vote within the hundreds, wards, precincts, or election districts in which they shall respectively have resided at least fifteen days immediately prior to the time of voting, and not elsewhere. Amended, Chapter 26, Volume 17. Place of voting.

SEC. 2. In all elections, unless it be otherwise expressly provided, a plurality, or the highest number of votes, shall make a choice, except where this principle is defeated by two persons having the same number of votes for the same office. Plurality elects.

SEC. 3. In all questions of residence, arising under the provisions of the fourth article of the amended constitution, the following rule shall be observed; that if any person, having resided within the State, shall actually remove to another place out of the State, with an intention of remaining there for an indefinite time, as a place of present domicil, he shall lose his qualification of residence within the State, notwithstanding he may entertain a floating intention to return at some future period. The same principle shall be applied to removals from one place to another within the State. Residence: rule as to.

SEC. 4. In reading out the ballots at any election, a double vote, that is to say, two or more ballots voted together by the same person, shall not be counted or tallied, but both of the ballots, comprising such double vote, shall be rejected. Double votes.

SEC. 5. If in reading out the ballots at any election, a ballot shall be found to contain the names of more persons voted for, for any office, than by law ought to be voted for for such office, such part of the ballot shall be rejected and the residue shall be read. Amendment Chap 421, Vol. 11.

SEC. 6. The presiding officer of an election shall, from the opening of the same until all the duties and proceedings Election officers: powers.

connected therewith are fully completed, have power to command the peace, and to require sureties of the peace from any person disturbing the election or the officers thereof in the performance of their duties, and to commit to prison for refusal or neglect to find such surety; and all officers, and other persons, are required to obey the lawful commands of such presiding officer in this behalf, and in default thereof, such officer, or other person, shall be deemed guilty of a misdemeanor, and shall forfeit and pay a fine of fifty dollars.

Officers and other persons required to obey presiding officer Failure, Fine, $50.

Justices of the peace and collectors to attend elections. Constable to attend.

SEC. 7. Every justice of the peace and collector shall attend at the place of holding an election in the hundred in which he shall reside, from the opening until the close of such election; and every constable shall attend at the place of holding an election in his hundred, and shall there continue from the opening of such election until all the votes cast thereat shall be read and tallied, and the certificates of such election signed, and (if it be at a general election) the ballot box sealed.

Duty of collector, constable and justice of the peace.

The collector shall have his duplicate, and shall receive any tax or taxes offered; and it shall be the duty of every justice of the peace and constable to take care that the peace be kept, and that the election be not interrupted or disturbed.

Penalty for neglect of duty.

If any justice of the peace, collector, or constable, shall refuse or neglect to perform the duties by this section enjoined upon him, he shall be deemed guilty of a misdemeanor, and shall forfeit and pay a fine of one hundred dollars.

Wilmington. Duty of officers.

At elections held in Wilmington hundred, the mayor and alderman of the city of Wilmington shall perform the duties by this section enjoined upon justices of the peace, subject to the same penalty for default therein.

Election officers: penalty for neglect of duty.

SEC. 8 If any inspector, collector, assessor, or other presiding officer, judge, or clerk of an election, or if a clerk of the peace, sheriff, coroner, prothonotary or other officer presiding at a board of canvass, shall neglect to perform any duty by the election laws of this State enjoined upon them respectively; or shall use any falsehood, fraud or deceit, or be guilty of any corruption, or misbehavior, in performing any of the said duties; such officer, so offending, shall, for every such offence, forfeit a sum, not less than fifty nor more than five hundred dollars, to any person who will sue for the same.

Forfeiture of $50 to $500.

This section shall not extend to any offence or default against which any fine, forfeiture, or penalty is expressly provided by any other section of the chapter. Proviso.

SEC. 9. If, at any election, the presiding officer, or a judge of the election, shall knowingly and willfully receive, or advise and consent to the receiving, of the vote of any person not entitled to vote at such election; or if such presiding officer, or judge, shall knowingly and willfully refuse to receive, or advise and concur in refusing to receive, the vote of any person entitled to vote at such election, every such presiding officer, or judge, shall for every such offence, forfeit and pay the sum of two hundred dollars to any person who will sue for the same; or such presiding officer, or judge, shall for every such offence, be deemed guilty of a misdemeanor, and shall be fined not less than fifty nor more than two hundred dollars. Both the aforesaid penalties shall not be incurred for the same offence; and a conviction upon an indictment, or a judgment in an action of debt, may be pleaded in abatement of the alternative proceeding. But, in all cases, an offender under this section, shall be further liable to be indicted, and punished, as in other cases, for willful and corrupt perjury in having violated his oath or affirmation as such presiding officer or judge.

Penalty for receiving unlawful votes. $200 fine.

$50 to $200 fine.

Proviso.

Perjury.

SEC. 10. If any presiding officer of an election, sheriff, or other person, shall willfully destroy, secrete, conceal, embezzle, or purloin, or in any manner counterfeit, alter, or vary, any certificate of election, either of a hundred, or of a county, or shall willfully do any act or thing whereby to prevent any such certificate from being duly produced, returned, or delivered, according to law; such presiding officer, sheriff, or other person, shall, for every such offence, be deemed guilty of a misdemeanor, and shall forfeit and pay a fine of five hundred dollars.

Destruction, &c., of certificate of election. Penalty, $500 fine.

SEC. 11. If any person, not entitled to vote, shall vote, or offer to vote, at any election, or if any person shall vote, or offer to vote, in a hundred in which he shall not at the time of such voting or offering to vote reside; or if any person, having voted once, shall vote, or offer to vote, a second time at the same election, either in the same, or in another hundred; or if any person shall fraudulently deliver, or offer, to the presiding officer of an election, more than a single ballot; every person, so offending, shall for every such offence, forfeit and pay the sum of one hundred dollars to any per-

Illegal voting.

Penalty. $100.

Penalty. $50 to $500.

son who will sue for the same; or the person so offending shall, for every such offence, forfeit and pay to the State a fine of not less than fifty dollars, nor more than five hundred

Proviso.

dollars. Both the aforesaid penalties shall not be incurred for the same offence, and a conviction upon an indictment, or a judgment in an action of debt, may be pleaded in abatement of the alternative proceeding.

Bribery.

SEC. 12. If any person shall give, offer or promise, any money, goods, chattels or other thing or matter, or release, or offer to release any debt, or obligation, by way of bribe, gift, benefit, or reward, for the purpose, or with the object, of influencing any elector in giving his vote, or in refusing to vote, or in absenting himself from the polls at any election; or if any candidate for office at an election, shall, at such election, influence or attempt to influence, any elector, in giving or withholding his vote, or in absenting himself from the polls by any the means aforesaid, or by offering to serve in such office for nothing, or for a less allowonce than that

Penalty.

prescribed by law; every such person or candidate shall, for every such offence, forfeit and pay the sum of two hundred dollars, one-half thereof to be for the use of the State, and the other half thereof for the person who will sue for the said penalty; and further, any person or candidate so offending, shall be deemed guilty of a misdemeanor, and upon conviction

Imprisonment.

thereof by indictment, shall be imprisoned in the public jail of the county wherein such offence may be committed for a term of not less than one and not more than nine months; and for the term of two years next after said conviction such

Forfeiture.

person shall forfeit the right of an elector; and if any candidate for office, so offending as aforesaid, shall be elected, his office shall, upon his conviction for such offence as aforesaid,

Disqualification.

be vacated, and he be rendered incapable of serving therein for the term for which he shall have been elected.

Amended Vol. 17, Chap. 26. Accepting bribe misdemeanor.

And if any person shall accept or receive any thing so given, offered or promised as above, with the intent, purpose and object in this section specified, such persons shall also be deemed guilty of a misdemeanor, and upon conviction

Forfeiture.

thereof shall, for the period of four years from such conviction, forfeit all the rights and privileges of an elector, and in case of a second or any subsequent conviction, for a like offence, shall forfeit all the rights and privileges of an elector for the period of eight years from the date of any such conviction, and shall also, during the period of such disfran-

Proviso.

chisement, be incompetent to serve as a juror. *Provided*,

however that when any person, a party to such prohibited transactions, shall inform against the other party thereto, and shall give evidence against such other party upon a trial, the person so testifying shall not be indicted for that offence. Informer not indictable.

SEC. 13. If any person, either before or pending an election, or during the reading and tallying of the votes cast at an election, shall, for himself, or for another or others, lay any wager or bet on the result of such election, or on the election or defeat of any candidate or person voted for at such election, every person so offending shall, for every such offence, forfeit and pay to any person who will sue for the same, double the amount of such wager or bet, or double the value of the thing betted. The stakeholder shall, in all cases, be a competent witness to prove such illegal wager. Betting. Penalty. Witness.

SEC. 14. If any stakeholder, or person with whom any money or thing, so illegally betted, shall be deposited, shall at any time, either before or after such bet shall have been decided, pay over or deliver, to either or both the persons betting the same, or to any other person by the order or for the use of them, or either of them, the money or thing so illegally betted, every such stakeholder or depositary, shall be liable to the same forfeiture to which the person betting may be liable under the next foregoing section; either of the persons betting shall be competent witnesses against such stakeholder. On stakeholder. Witness.

SEC. 15. If any person shall, on the day of an election, or during the reading and tallying of the votes, at any place where such election is held, or within one mile thereof, commit an assault and battery; or if any person shall interrupt or disturb the election, or the officers thereof, or any of them, in the performance of any of their duties, either in receiving, reading or tallying the votes, or shall interrupt or disturb the inspectors and sheriff, or other presiding officer, when assembled as a board of canvass, in performing any of the duties of such board, every such person shall, for every such offence, be liable to be held to surety of the peace, and on failure to give such surety forthwith, to be committed to prison, and shall further forfeit and pay to the State a fine of not less than ten dollars nor more than one hundred dollars. Breaches of the peace. Penalty. $10 to $100.

SEC. 16. If any person shall, on the day of an election, or on the day next before or after such day, make, set up, or have, any booth, stall, or other temporary convenience, for Stalls for sale of liquor unlawful.

Selling liquor prohibited.

Penalty $20 fine.

Duty of officers.

the purpose of selling any spirituous, vinous, malt, or other intoxicating liquors, or shall sell, or expose to sale, any spirtuous, vinous, malt, or other intoxicating liquors, at any place where such election shall be held, or within two miles thereof, or upon any highway, or road, leading thereto; every such person shall, for every such offence, forfeit and pay to the State a fine of twenty dollars; and it shall be the duty of every justice of the peace or constable, residing in any hundred, to abate and remove any such booth, stall, or other temporary convenience, so set up or used in such hundred in the manner and for the purpose aforesaid, and to hold the person so having or using such booth, stall, or other temporary convenience, to surety of the peace, and in default of such surety being immediately given, to commit such person to prison; and every justice of the peace, or constable, shall have authority to command the assistance of any citizen or citizens, in the premises. No record need be made of the abating or removing of any booth, stall, or temporary convenience as aforesaid; but this section and the truth of the case may in any suit be given in evidence under the general issue. * * * * * * And no person licensed to sell liquor shall sell, give away, or dispense any intoxicating liquors on the day of any general, special, or municipal election within one mile of the place where the same is held, and such day shall be reckoned from the midnight before till the midnight after such election; and any person violating this provision, shall be guilty of a misdemeanor, and upon conviction thereof shall forfeit and pay a fine of not less than fifty nor more than one hundred dollars, and, if holding a license under this act, shall forfeit the same in addition to such fine, and be incapable of receiving a license for the space of two years thereafter.

Volume 14, Chapter 418, Section 14.

Unlawful to sell intoxicating liquors on the day of election.

Misdemeanor. Fine.

Forfeiture of license.

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Militia not to be called out.

SEC. 22. If any officer or other person, shall call out or order any of the militia of this State to appear, exercise, or muster on the day of any election, or within ten days before any general election, or three days before any special election or election for assessor and inspector, or within three days after either of such elections, except in case of invasion or insurrection, every such officer or other person, shall for every such offence, forfeit and pay to the State a fine of one thousand dollars.

Penalty, $1,000.

SEC. 23. In every suit, or action for a forfeiture, or

penalty, under the foregoing provisions (except in cases cognizable before a justice of the peace) special bail may be required of the defendent in double the sum of such forfeiture, or penalty, upon affidavit of the person suing, or of any credible person for him, setting forth the facts on the ground whereof such forfeiture or penalty shall have been incurred. Special bail in suits for penalties.

CHAPTER 487, VOLUME 12.

An Act Further to Protect the Free Exercise of the Elective Franchise.

SEC. 1. That if any person who is a duly qualified elector of this State, according to the constitution and laws thereof, shall hereafter be prevented from voting, or obstructed in his effort to vote at any election, by reason of any interference by any person or persons, or military power, or other power, exercising or attempting to exercise force, intimidation or threats, or requiring any qualifications or conditions unknown to such constitution and laws, he shall be deemed and taken to have suffered private damage and injury, and shall have civil remedy therefor, in the courts of this State, by action of trespass, or on the case, according to the nature of the interference, against all and every person or persons who promote such interference, whether by active participation, or by advising, counseling, or in any wise encouraging the same; and in any trial under this act, the jury, if in their opinion the circumstances will warrant it, may give exemplary damages. Obstruction and interference. Civil action for damages.

SEC. 2. That it shall be the duty of every citizen of this State who has knowledge of any design on the part of any other citizen or citizens of this State to promote interference with elections, either by soliciting or advising the presence of a military force at or near the place or places of holding such elections, or by the employment of any other organized or unorganized body of men, or by intimidation, or threats, forthwith to make public disclosure of such knowledge, stating names, by an affidavit to be made before any one of the judges of this State, and file the same in the office of the clerk of the peace of the county where the judge resides, and if any such citizen, having such knowledge, shall fail to make such affidavit and cause the same to be filed as aforesaid, he shall be treated as a promoter of the interference Citizen to make disclosures.

mentioned in the first section of this act, and be liable as is therein provided.

Limitation. SEC. 3. That the limitation of actions commenced under this act shall be ten years from the time of the accruing of the cause of action.

CHAPTER 491, VOLUME 12.

An Act Further to Secure the Free Exercise of the Right to Vote at Elections.

Military interference. SEC. 1. That if it shall so happen hereafter that by reason of the presence of any military force at or near the place of holding an election in this State, under the provisions of Chapter 18 of the Revised Code, electors duly qualified by the constitution and laws of this State to vote at said place at said election shall be prevented from, or interfered with, in casting their votes, by military force, or the requirement of oaths unknown to said constitution and laws, any number of electors, not less than five, shall have the right to withdraw from the said place to any other place within the voting district where such prevention or interference shall take place, and having there, by a majority of the electors present, selected a duly qualified elector of said district, who shall be a freeholder, to act as inspector, to deliver to him there their respective ballots; which said inspector shall receive the said ballots and record the name of the voter upon a list to be kept by him for that purpose, and immediately write upon each ballot the name of the person who delivered the same to him—the said inspector having first administered to each person offering to vote on the ground of his being between the age of twenty-one and twenty-two years, an oath or affirmation in the following words, that is to say: "You "do solemnly swear (or affirm) that you are of the age of "twenty-one years, and not arrived at the age of twenty-two "years, and that you at this time reside in this hundred, and "that you have not voted, and will not vote on this day at "any other place in this or any other hundred, and that you "have resided in this county one month, and in this State "one year next before this election;" and to every person offering to vote on the ground of having paid a tax, and being otherwise qualified, according to the constitution, the

Electors shall have right to vote. How and where.

Oath.

following: "You do solemnly swear (or affirm) that you are "of the age of twenty-two years, and that you at this time "reside in this hundred, and that you have not voted, and "will not vote on this day at any other place in this or any "other hundred, and that you have resided in this county "one month and in this State one year next before this elec- "tion; and that you have within two years paid a county "tax which was assessed at least six months before this elec- "tion;" and also the further oath that he has been hindered or prevented from casting his vote at the regular place of holding the election, by military interference, or by the requirement of oaths unauthorized by the constitution and laws of this State.

Polls, where held.

SEC. 2. That the polls authorized to be held by the preceding section shall be held at the place where they are opened, unless it be impracticable to hold them there, in which event they shall be adjourned to some other place, or places (if necessary,) in the election district where they are opened, and there held, and shall be kept open until five o'clock in the afternoon, when the inspector shall close them. As soon as such polls are closed, the inspector holding them, having first ascertained the number of ballots cast, and for whom and for what office the votes were given, and made a certificate thereof, shall seal up the ballots received by him in a box or envelope, and keep them safely, together with the list of the names of the electors who have deposited their ballots with him, until the time of the meeting of the board of canvass provided for by the chapter aforesaid, when he shall appear before the said board with the said ballots and list of voters and his certificate aforesaid, and deliver his said certificate to the said board, with an affidavit made by him upon the same that it contains a true and faithful statement of the number of ballots received by him as aforesaid, the names of the electors who cast them, the number of votes for the different persons voted for, and that at the said poll held by him he did not, knowingly, receive the ballot of any person not a duly qualified voter within his election district, according to the constitution and laws of the State of Delaware, nor did he refuse to receive the ballot of any person so qualified, and who had been prevented from voting at the regular place of voting by military force or the requirement of an oath unauthorized by the constitution and laws of the State of Delaware; and that he determined every matter that came before him and performed every act and duty required

Return to Board of Canvass.

of him by law touching the election held by him, truly, faithfully, and impartially, according to the best of his skill and judgment.

Duty of Board of Canvass

SEC. 3. That it shall be the duty of the board of canvass to receive the said certificate, and in ascertaining and certifying the state of the election under the provisions of the chapter aforesaid, to take into consideration the number of ballots certified by said inspector to have been received by him and for whom and for what office the votes were given, and give said certificate the same force and effect, and it shall have the same force and effect as a certificate of the election officers at any of the regular places of holding the election; and the votes given shall be reckoned among the number of votes given in the election district where they were received by the said inspector in the same manner as if they had been given at the regular place of voting in said district: *Provided always, however*, That the said board shall be, and they are hereby required to hear and determine challenges of the right of any person who delivered his ballot to the said inspector, and reject any ballot if the person who cast the same had not a right to vote under the constitution and laws of this State, either from want of qualification, or by reason of his having voted at any other place in the State where he was entitled to vote on the same day. Such of the said ballots, so received by the said inspector, as are not rejected by the board of canvass, and also the list of voters, and the certificate aforesaid, shall be deposited by the said board in the regular ballot-box of the election district where they were cast, and the said box shall then be immediately resealed by the presiding officer of the board of canvass. The said board shall also have power to examine, on oath, the said inspector, touching any matter connected with the holding of the election by him, and shall have power, if it appear to them that the said election was not fairly held by any inspector, to reject his said certificate, and throw out the vote returned by him as aforesaid.

Proviso.

Board of Canvass may choose place of meeting, in case of military interference.

SEC. 4. That if it shall be apparent to a board of canvass that any interference with the performance of their duties under Chapter 18 aforesaid, and this act, will be attempted by military force, or, if after they have met, any such interference shall be attempted, they shall have power to meet at any other place within their county to perform their said duties. And further, if any member of a board of canvass, or any inspector created by virtue of this act, shall be

prevented, by reason of such interference from attending the meeting of the board, or if the board, being met, shall be prevented by such interference from performing the duties incumbent on them, it shall be the duty of the said board to adjourn to meet at some other time and other place (if necessary), to perform their duties under the laws of this State, and so to adjourn from time to time until such duties can be performed. The duty of attendance upon said board, on the part of an inspector created by authority of this act, and the penalties upon him for not appearing, shall be the same as in the case of the inspectors regularly elected according to law; but no such inspector shall be a member of the board of canvass.

Number of polls not limited to two in each district.

SEC. 5. That nothing herein contained shall limit the voting places to two in an election district, but, the emergency contemplated above arising, as many different polls may be held as there are numbers of voters of five or more, who under the circumstances aforesaid withdraw from the regular place of holding the election for the purpose of casting their ballots without intimidation or interference.

Clerk.

SEC. 6. That each inspector created by authority of this act shall have power to appoint a clerk to aid him in the discharge of such duties as are clerical, and shall administer to him, before he enters upon the discharge of the duties to be assigned to him, an oath or affirmation in these words: "You do solemnly swear (or affirm) that as clerk of this "election you will not use nor assent to any falsehood, fraud "or deceit, and that you will keep the polls and perform all "your duties truly, faithfully and impartially, so help you "God (or so you solemnly affirm)." The inspectors and clerks shall receive the same compensation as inspectors and clerks elected and appointed under the present election law.

Oath.

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CHAPTER 396, VOLUME 13.

An Act Relating to Voters.

Voters, their qualifications.

SEC. 1. That no person of the age of twenty-two years or upwards who has not resided in this State one year next before any election for Governor, Senator, Representatives, Sheriffs and Coroners, and the last month thereof in the

county whereof he offers to vote, and not having within two years next before the election paid a county tax which shall have been assessed at least six months before the election, shall enjoy the right of an elector.

CHAPTER 29, VOLUME 17.

An Act in Relation to the Election of Assessors and Inspectors.

Amended, Volume 19, Chapter 40. Election of Assessors.

SEC. 1. That hereafter the election of assessors for the several hundreds in the respective counties in this State, and assessors for the assessment districts in Wilmington hundred, shall be held by ballot biennially in the hundreds aforesaid, (excepting Wilmington hundred, which election for assessor shall be held quadrennially) on the Tuesday next after the first Monday in November, at the same time and in the same places as are now appointed by law for holding the general election, and the said assessors shall be voted for upon the same ballots voted for other officers elected at the general election aforesaid.

Time and place of holding election.

Ballots.

County Assessors in Wilmington hundred continued in office

The persons now holding the office of county assessor of the several districts of Wilmington hundred shall continue to hold office until the general election to be held in the year A. D. 1894, or until their successors are duly qualified.

Certificates of election.

SEC. 2. Immediately upon closing the election aforesaid and ascertaining the state of the vote, the inspector and judges of the election in the several hundreds aforesaid shall make and sign four certificates of the persons elected as assessor and inspector for said hundred, and shall cause the same to be transmitted without delay, to wit: one to the assessor elected, one to the inspector elected, one to the clerk of the peace of the county, to be laid before the levy court, and one to the sheriff of the county. Said certificates shall be of the following form, viz:

To whom delivered.

Form.

——— COUNTY, SS.

At an election held in ——— hundred, on the Tuesday next after the first Monday in November, in the year of our Lord one thousand eight hundred and ———, ——— was duly elected assessor, and ——— was duly elected inspector.

In testimony whereof we, the judges of said election, who were in due manner sworn or affirmed before opening said election, have hereunto set our hands the day and year aforesaid.

The person having the highest number of votes for said offices, respectively, shall be chosen; but if two or more persons shall have an equal and at the same time the highest number of votes for either of said offices the inspector shall give an additional casting vote. Counting of votes. Tie.

SEC. 3. If the hundred in which said election is held is divided into two or more election districts, the inspector and judges of the election in each of said districts shall make and sign certificates according to Section 2 of this act, varying from the form therein prescribed for that purpose by omitting the assessor, and in lieu of including the election of assessor in such certificate they shall make and sign a certificate of the number of votes given for each candidate voted for as assessor. Division of hundred into several districts. Form of certificate.

SEC. 4. The inspector and judges of each election district, where said hundred is divided into two or more election districts, shall assemble on the day next succeeding said general election, at 12 o'clock, M., at the place of voting in said hundred as now by law required for the place of assembling of the presiding officers and judges of the election heretofore held on the first Tuesday of October respectively, and shall ascertain the aggregate number of votes given in all the districts of said hundred for each person voted for for assessor. The candidate having the highest number of votes shall be declared duly elected assessor. If two candidates for said office shall have the highest and an equal number of votes, an additional casting vote shall be given by the inspector of that election district in said hundred as now by law given to the presiding officer of said district of the election heretofore held on the first Tuesday in October for the election of assessors and inspectors. *Provided*, *however*, that the provisions of this section shall not apply to Wilmington hundred. Meeting of inspectors and judges. Time. Ascertainment of votes. Tie. Not applicable to Wilmington hundred.

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SEC. 6. The duties of the assessors and inspectors elected under the provisions of this act shall be the same as those prescribed by law for the assessors and inspectors heretofore elected on the first Tuesday of October, and all laws applica- Duties of assessors and inspectors.

Present laws applicable when not inconsistent with this act

ble to assessors and inspectors heretofore elected under the provisions of Chapters 17 and 19 of the Revised Statutes of this State, and not inconsistent with this act, shall apply to assessors and inspectors of the several hundreds and assessment districts hereafter to be elected under the provisions of this act.

Inspectors at last general election.

SEC. 7. For the purpose of carrying into effect the object and purposes of this act, the inspectors at the last general election in the several hundreds and election districts in this State shall be the inspectors in said several hundreds and election districts at the general or any special election to be held next succeeding the passage of this act; and in case of any vacancy among said inspectors by death, resignation, removal out of the hundred or election district, refusal to serve, or otherwise, or in case of any such vacancy among the inspectors to be hereafter elected as aforesaid, the levy court commissioner of the hundred in which such vacancy shall happen shall appoint some qualified voter of such district or hundred to be the inspector thereof, who shall have all the powers and perform all the duties given to and imposed upon inspectors of elections; and in case of such vacancy it shall be the duty of the clerk of the peace of the county in which such vacancy may happen to notify the levy court commissioner of the hundred in which the vacancy exists, who shall immediately upon receiving such notice appear in the office of the clerk of the peace of the county and appoint some person to fill such vacancy. But if, from any cause, such vacancy exists at the time of holding said general election, the provisions of Section 10, Chapter 18 of the Revised Code, 1874, shall apply as heretofore.

Vacancies.

Section 1, Chapter 20, Volume 18. Levy Court Commissioner to appoint inspector. Powers.

Duty of Clerk of the Peace.

Duty of Levy Court Commissioner.

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SEC. 9. All acts or parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

OF ELECTIONS.

CHAPTER 21, VOLUME 15.

Of the General Election.

SEC. 1. The general election, in and for the several counties, on the Tuesday next after the first Monday of November, shall be held in the respective hundreds of said counties [outside the city of Wilmington], at the places hereinafter appointed for that purpose, that is to say : Time of holding. Places. Amendment Chapter 362, Volume 11.

FOR NEW CASTLE COUNTY.

In *Brandywine Hundred.* East Election District, at the tavern house called the "Practical Farmer;" Southern Election District, at the store now occupied by Samuel Moore, at Maplewood ; Northern Election District, at Sharpley's Schoolhouse. Brandywine Hundred. Chapter 82, Volume 12. Chapter 6, Volume 19.

In *Christiana Hundred.* North Election District, at the Rodney Inn; South Election District, at district schoolhouse No. 21, at Newport; Western Election District, at house of George Lancaster, in Centreville. Christiana Hundred. Chapter 385, Volume 13. Chapter 4, Volume 17.

In *Mill Creek Hundred.* Western Election District, at district schoolhouse No. 37, at Milford Cross Roads; Northern Election District, at district schoolhouse No. 29, at Hockessin; Eastern Election District, at Marshallton, in the storehouse now occupied by David Ecoff. Mill Creek Hundred. Chapter 7, Volume 19.

In *White Clay Creek Hundred.* East Election District, at public schoolhouse in the village of Christiana; West Election District, at the old tavern occupied by Benjamin F. Herdman, in Newark. White Clay Creek Hundred. Chapter 353, Volume 14.

In *Pencader Hundred.* In the house now occupied as a tavern by James Merritt, in Glasgow. Pencader Hundred.

In *New Castle Hundred.* Northern Election District, at Court House, in the City of New Castle; Southern Election District, in Red Men's Hall, in the City of New Castle. New Castle Hundred. Chapter 8, Volume 19.

In *Red Lion Hundred.* East Election District, at district schoolhouse No. 76, in Delaware City; West Election District, in the house now occupied as a tavern by John Sutton, Jr., in the village of St. Georges. Red Lion Hundred. Chapter 386, Volume 13.

OF ELECTIONS.

St. Georges Hundred. Chapter 2, Volume 14.

In *St. Georges Hundred.* Eastern Election District, at the hotel now occupied by William T. Chance, in the village of Odessa; Western Election District, at the hotel now occupied by George W. Ortlip, in Middletown.

Appoquinimink Hundred. Chapter 4, Volume 15.

In *Appoquinimink Hundred.* At the hotel now occupied by James C. Townsend, in the village of Townsend.

Blackbird Hundred. Chapter 467, Volume 18.

In *Blackbird Hundred.* At the office of the Road Commissioners for Blackbird Hundred, in the village of Blackbird.

FOR KENT COUNTY.

Duck Creek Hundred.

In *Duck Creek Hundred.* At the tavern now called the ———, in Smyrna.

Kenton Hundred. Chapter 383, Volume 13.

In *Kenton Hundred.* At Kenton Hotel, in the town of Kenton.

Little Creek Hundred.

In *Little Creek Hundred.* At the office occupied by Ezekiel W. Reed, in the town of Leipsic.

East Dover Hundred. Chapter 415, Volume 17.

In *East Dover Hundred.* Election District No. 1, at the State House, in Dover; Election District No. 2, in brick schoolhouse, on Governor's avenue, in Dover.

West Dover Hundred. Chapter 596, Volume 11.

In *West Dover Hundred.* At the storehouse occupied by Henry Whitaker, in Hazlettville.

North Murderkill Hundred.

In *North Murderkill Hundred.* At the office occupied by Garrett Luff, in Camden.

South Murderkill Hundred. Chapter 450, Volume 18.

In *South Murderkill Hundred.* Election District No. 1, at the tavern occupied by George C. Herring, in Felton; Election District No. 2, at the "Delaware House," in the town of Frederica.

Mispillion Hundred.

In *Mispillion Hundred.* At the hotel of Benjamin T. Fleming, in Harrington.

Milford Hundred.

In *Milford Hundred.* At the house occupied as a tavern by James Tomlin, in Milford.

FOR SUSSEX COUNTY.

Cedar Creek Hundred.

In *Cedar Creek Hundred.* At schoolhouse of consolidated School Districts Nos. 2, 100, 103 and 104, in the town of Milford.

Broadkiln Hundred.

In *Broadkiln Hundred.* At the Milton Academy, in Milton.

OF ELECTIONS.

In *Georgetown Hundred.* At the Court House, in Georgetown. Georgetown Hundred. Chapter 217, Volume 8.

In *Nanticoke Hundred.* At Bethel, or Passwaters' Cross Roads, at the house lately occupied by Jacob Carpenter. Nanticoke Hundred.

In *North West Fork Hundred.* At the house now occupied as a tavern by Manlove Adams, in Bridgeville. Northwest Fork Hundred.

In *Seaford Hundred.* At the Academy, in the town of Seaford. Seaford Hundred. Chapter 384, Volume 12.

In *Broad Creek Hundred.* At District Schoolhouse No. 45. Broad Creek Hundred. Chapter 12, Volume 16.

In *Little Creek Hundred.* At Laurel, at the house now occupied as a tavern by George W. Wootten. Little Creek Hundred.

In *Dagsboro Hundred.* At the house now occupied as a carriage shop by William Baker. Dagsboro Hundred.

In *Gumboro Hundred.* At the office now owned by J. E. Hearn. Gumboro Hundred. Chapter 13, Volume 16.

In *Baltimore Hundred.* [Some convenient place in the village of Roxana to be designated by the inspector, for the time being, of Baltimore hundred.] Baltimore Hundred.

In *Indian River Hundred.* At the old storehouse of Wesley W. Stevenson. Indian River Hundred.

In *Lewes and Rehoboth Hundred.* At Lewes, at the house occupied as a tavern by Edward Watson. Lewes and Rehoboth Hundred.

SEC. 2. If at any time it shall be impracticable to hold the election in any hundred at the place appointed by law, the inspector of such hundred shall have power to appoint some other place in said hundred, as near as can be conveniently obtained to the place herein directed; and he shall give public notice of the place so appointed, by advertisements posted in at least five of the most public places of the hundred, if circumstances will admit of such notice being given; but if not, then he shall give such public and general notice as the circumstances will permit. Change of place. Notice of.

SEC. 3. The sheriff of each county shall, after the twenty-third and before the twenty-seventh day of October in the year of holding the general election, deliver to the inspector of each hundred of his county two suitable ballot boxes, Ballot boxes

Lists.

with a piece of tape and sealing wax, together with a list of all the officers to be chosen at the then next general election,

Lists of voters.

an alphabetical list of the names of all the * * * male citizens, of the age of twenty-one years and upwards, residing

Amendment Chapter 642, Volume 11; Chapter 539, Section 3, Volume 12.

and assessed in such hundred, (or election district, where a hundred is divided into two or more election districts),

Tally lists.

written or printed forms of tally lists, of certificates of election in said hundred, of the oath or affirmation of the

Certificates.

inspector and the persons to be taken as judges of the election, and of the certificate of administering such oath or affirmation, with written or printed directions as to correcting, completing and signing such oath or affirmation, and certificate of administering the same, and shall also deliver

Stamp and ink to be delivered to each inspector.

to each inspector, as aforesaid, a stamp of not less than one inch in diameter, with the name or number of the proper

Description.

hundred, ward or election district, and the year, month, and day of the month on which such general election shall be

Chapter 330, Volume 16.

held; and also ink of a suitable kind to be applied to such stamp. The said stamp shall be so arranged that the date may be changed. Any judge neglecting or refusing to stamp

Penalty for refusing to stamp tax receipt.

the receipt, when required to be produced, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined one hundred dollars or imprisoned three months, or both fine and imprisonment, at the discretion of the court.

Boxes, how made.

SEC. 4. The ballot boxes shall each be of sufficient size to contain all the ballots of the hundred, with one of the tally lists and certificates of election; in the lid of one of the boxes there shall be a hole, sufficient only to admit with convenience one ballot; and it shall be furnished with a lock and key for securing the lid; the lid of the other box shall be without a hole, and it shall be so constructed as to be secured with tape and sealing wax.

Lists of voters.

SEC. 5. The said alphabetical list shall be made and certified by the clerk of the peace of the county, under his hand and seal of office; and, as to every person whose name shall be contained in such list, and who shall appear by any certi-

Naturalized.

ficate recorded in the office of said clerk to be naturalized, the word "naturalized" shall be distinctly affixed to the

To be furnished in August.

name of every such person; such alphabetical list shall be delivered by the clerk of the peace to the sheriff on some day in the month of August next preceding the general election.

Tally lists, how made.

SEC. 6. There shall be two of the said tally lists, each of which shall consist of a margin on the left for the names of

the person voted for, and squares formed by parallel lines, drawn from left to right, and from the bottom to the top of the sheet, each square to be sufficient to contain five distinct rows or five distinct dots of a pen in each row, and there shall be a sufficient number of squares in each row of squares from left to right to contain more dots than any person will probably receive votes in the hundred.

SEC. 7. There shall be two of the said certificates of election, which may be according to the following form, viz: Form of certificate.

——— county and —— hundred, ss. At the general election, held in said hundred (Tuesday next after the first Monday), in November, A. D. eighteen hundred and———, the votes stand as follows: Amendment Chapter 362, Volume 11.

For the office of Governor,
received *votes*
received *votes*
For the office of Representative in Congress.
received *votes*
received *votes*
For the office of Senator in the General Assembly,
received *votes*
received *votes*
For the office of Senator in the General Assembly in lieu of—,
received *votes*
received *votes*
For the office of Representative in the General Assembly,
received *votes*
received *votes*

and so on,

For the office of Levy Court Commissioner,
received *votes for* *hundred*
received *votes for* *hundred*
For the office of Sheriff.
received *votes*
received *votes*
For the office of Coroner.
received *votes*
received *votes*

And we further certify that the clerks appointed by us were duly sworn or affirmed according to law, and that we were duly sworn or affirmed. In testimony whereof, we the judges of said election for said hundred, have hereunto set our hands

the day and year aforesaid. In the said written or printed forms of certificates, before the same shall be delivered by the sheriff as above directed, the name of the county and hundred and the date of the year shall be inserted in the blanks for said purposes in the foregoing form; and the offices to be filled at the election shall be inserted with blanks under each to contain the names of the persons who may be voted for, with the number of votes; and the offices not to be filled at the election shall be omitted.

Form of oath.

SEC. 8. The form of the oath or affirmation to be administered to the inspector and judges shall be as follows, viz:

I ——— do solemnly swear (or affirm) that in the election to be this day held, I will not knowingly, or willfully, receive, or consent to the receiving of, the vote of any alien, and also that I will not receive, or consent to the receiving of, the vote of any person whom I shall believe not entitled to vote, unless my associates shall adjudge such person to be entitled to vote; that I will not receive or reject, nor concur in receiving or rejecting, any vote through partiality or under bias; and that I will determine every matter that shall come before me, and perform every act and duty by law required of me, touching the said election, truly, faithfully and impartially, according to the best of my skill and judgment; that I will cause the ballots that shall be taken at this election to be fairly read and ascertained, and a true statement thereof to be made, according to the best of my knowledge and ability; and that if I shall discover any partiality, unfairness, or corruption in the conducting of the said election, I will disclose the same to the attorney general, to the end that the subject may be investigated, so help me God, (or so I solemnly affirm). There shall be three distinct forms of the foregoing oath or affirmation written or printed on one sheet; which forms shall be numbered and distinguished as No. 1, No. 2, and No. 3. On the same sheet, after the last of said forms, shall be written or printed a form for the certificate of the qualification of the inspector and judges, as follows, to wit:

Certificate. Amendment Chapter 362, Volume 11.

—— county, and —— hundred, ss. We, the subscribers, inspector and judges for said hundred of the general election therein held on the Tuesday next after the first Monday of November, in the year of our Lord one thousand eight hundred and ——— certify, that on said day, before opening the said election in said hundred, the foregoing oath or affirmation was duly administered to each of us, according to law;

the blanks in which said certificate shall be filled by the sheriff, or by his order, before delivering the same to the inspector.

Notice of election.

SEC. 9. The inspector of each hundred shall, within two days after receiving from the sheriff a list of officers to be chosen at the general election, give public notice of the time and place of holding the then next general election in his hundred, and of the officers to be voted for at such election, by advertisements posted in at least five of the most public places in his hundred.

Substitute for inspector

SEC. 10. If at the time for holding the general election there shall be no inspector of any hundred, or if he shall be absent from the place of election at nine o'clock of the forenoon of the day of the election, the electors there shall proceed forthwith, without ballot, to choose from among the qualified voters of the hundred there present an inspector of the hundred; and in choosing such inspector, the justices or justice of the peace residing in the hundred, and if no such justice shall be present, the constables or constable of the hundred who may be present, and if no such constable shall be present, then two qualified voters of the hundred, to be nominated and appointed by the electors, shall be the judge or judges.

Judges of election.

How chosen

Failure to elect judges.

SEC. 11. The inspector shall be a judge of the general election, and the presiding officer. There shall also be two other judges of the said election, to be chosen from among the qualified voters of the hundred, as follows, that is to say: one of the said judges shall be chosen by the inspector, and the other by the person who at the election for inspector next previous received the next highest number of votes for said office. If at the time for opening the general election the said judges or either of them shall not have been chosen as aforesaid, a majority of the voters then present may select such judge, or judges, in such manner as at the time may be deemed most expedient for ascertaining the sense of the majority.

Penalty for refusal to serve.

SEC. 12. If any person chosen to be a judge of an election shall refuse to serve, he shall forfeit and pay to the State a fine of fifty dollars, upon conviction thereof by indictment in the Court of General Sessions of the Peace and Jail Delivery in the county where such offence is committed.

OF ELECTIONS.

Oath of election officers.

SEC. 13. Before opening the election the inspector and judges shall each take an oath or affirmation, according to the form prescribed in Section 8, such oath to be administered to the judges by the inspector, and by one of them to him; and they shall each, after taking such oath or affirmation, sign one of the written or printed forms thereof delivered to the inspector by the sheriff of the county, as provided in Section 8, that is to say: the form distinguished as No. 1 shall be signed by the inspector, his name being first inserted in the blank; the form No. 2 shall be signed by one of the judges, his name being first inserted in the blank; and the form No. 3 shall be signed by the other judge, his name being first inserted in the blank. Before signing the said forms, it shall be ascertained whether the inspector, or either of the judges, conscientiously refuses to take an oath; and in case of such conscientious refusal the form for the person so refusing shall be made correct by effacing the words "*swear or*" in the beginning, and "*so help me God*" in the end of the form; but as to the person who shall not conscientiously refuse to take an oath, the form shall be made correct by effacing the words, "*or affirm,*" in the beginning, and the words "*or so I solemnly affirm,*" at the end of the form. The inspector and judges shall also sign the certificate of their qualification as written or printed upon the sheet containing the aforesaid forms.

Signed.

Clerks of election.

SEC. 14. Each of the said judges, after being duly qualified, shall choose one clerk of the election, to whom the inspector, or one of the judges, shall administer an oath or affirmation, as follows:

Oath.

You do solemnly swear (or affirm) *that as clerk of this election you will not use or assent to any falsehood, fraud or deceit, and that you will keep the polls, and perform your duties, truly, faithfully and impartially, so help you God* (or so you solemnly affirm). If in reading the votes and keeping the tally lists it shall become necessary to appoint one or more additional clerks, the inspector and judges may do so; administering to each clerk, so appointed, the foregoing oath or affirmation. No other certificate need be made of the oath or affirmation administered to the clerks than that contained in the form of the certificate of election prescribed in the second section.

Boxes, how kept.

SEC. 15. Before opening the election, the inspector and judges shall also examine the ballot box provided with a

lock and key, and see that the same contains nothing; the box shall then be locked and the key delivered to one of the judges, who shall keep the same; and the box shall be kept by the inspector or the other judge, so that the person having the key shall not have possession of the box till the same shall be opened as herein directed.

Election officers to be in a separate room.

SEC. 16. The inspector and judges of the election, and the clerks shall, during the time of the election being open, be and continue in a room or place by themselves, separate from the other electors; and no person, other than such inspector, judges and clerks, during the time of the election being open, shall be admitted within such room or place.

Election opened between the hours of 8 and 9 o'clock A. M. Amendment Chapter 25, Volume 14.

SEC. 17. The general election shall be opened in every hundred on the Tuesday next after the first Monday in the month of November, in the year in which the same is held, between the hours of eight and nine o'clock in the morning, by the inspector making proclamation that the same is open.

Mode of voting.

SEC. 18. Each qualified elector shall deliver a single ballot, containing the names of the persons voted for, to the inspector, who shall audibly pronounce the name of the elector, which shall be entered in words at length upon a list of polls to be kept by each of the clerks, whom the judges shall direct to that duty, and one of the judges shall write against it, on the alphabetical list delivered by the sheriff to the inspector as aforesaid, the word "*voted;*" there shall be no examination of a ballot, except to determine that it is single; and the inspector shall, immediately after pronouncing the elector's name, put the ballot into the box in his presence, unless the vote shall be objected to. Either of the judges may require any person offering to vote on the ground of having paid a tax, to produce the receipt for such tax; and if the vote of such person is taken, the said receipt shall be immediately stamped on the face thereof, by one of the judges, with the stamp provided for by Section 3. If a vote be objected to on the ground that the person offering to vote is not the person named in the tax receipt, either of the judges may require such person to produce proof under oath of his identity. Either of the judges may administer a proper oath to any person testifying in that behalf, and the question of identity shall be determined according to the opinion of a majority of the judges.

Poll lists.

Tax receipt to be produced and stamped. When. How.

Identity.

How proven

SEC. 19. If a vote be objected to, its admission or rejec-

Challenged votes.

tion shall be determined according to the opinion of a majority of the judges; but either of the judges may require the inspector to administer to a person claiming to vote, whether he have paid a tax or not, the following oath or affirmation: *You do solemnly swear* (or affirm) *that you are of the age of twenty-one years, and not arrived to the age of twenty-two years;* and to any person offering to vote on the ground of having paid a tax and being otherwise qualified, according to the constitution, the following oath or affirmation: *You do solemnly swear* (or affirm) *that you are of the age of twenty-two years, and that you, at this time, reside in this hundred, and that you have not voted and will not vote on this day in any other hundred, and that you have resided in this county one month, and in this State one year next before this election, and that you have, within two years, paid a county tax which was assessed at least six months before this election;* any person refusing to take such an oath or affirmation, if so required, shall not be permitted to vote; but no person shall be required or permitted to take either of the said oaths or affirmations, if the judges, or a majority of them, shall, from their own knowledge or the circumstances appearing, consider that such person is not entitled to vote.

Oath of elector under twenty-two.

Over twenty-two.

Refusal.

Not to be allowed to swear, when.

Perjury.

SEC. 20. If any person shall, in taking either of the oaths or affirmations mentioned in the foregoing section, swear or affirm falsely, he shall suffer the same punishment as shall at the time be provided by law against willful and corrupt perjury.

Amended Volume 17, Chapter 32. Election closed at 6 o'clock. Notice.

SEC. 21. The election shall be continued open until six o'clock in the afternoon, when it shall be closed. The inspector shall, one-half hour before closing the election, make proclamation that the same will be closed in that time.

Counting votes; mode. Publicly.

SEC. 22. When the election shall be closed, the inspector and judges shall, openly and publicly, unlock the box containing the ballots, and shall remove the lid so far as that the ballots can be taken separately from the box. One of the judges shall keep in his custody the said box, while another shall publicly, in the presence of the other judges and such of the electors as shall think proper to be present, take the ballots, one by one from the box and read the same. When a ballot shall be read, it shall be put into the other box delivered by the sheriff to the inspector, as provided in the second section, it being first seen that the said box contains nothing, and the same being kept during the reading in the

Custody of boxes.

Disposition of ballots.

possession of one of the judges; and two clerks at least shall keep accurate count of the ballots as they are read, which shall be done on such tally lists as aforesaid, by writing the name of every person voted for in the margin under a designation of the office for which the vote is given to him, and making a distinct dot with a pen in the squares in the row against such name for every vote such person shall receive for the same office; and each square, when full, shall contain five rows of dots, each row consisting of five dots; and each clerk shall, upon the reading of the name, repeat it with the number of the dots in the row, pronouncing at the last dot in the square, "*tally full*," and at the first dot of the succeeding square, "*one of a new.*" If the same person shall be voted for for different offices, his name shall be written in the margin for each office, and a just count kept of the votes given to him for each office. Tally. How made.

The reading and counting of the votes shall be continued, without interruption or adjournment, until completed.

SEC. 23. When the reading and counting of the votes is completed, the inspector and judges shall forthwith make and sign two certificates of the election in their hundred, according to the form prescribed in Section 7, stating every office for persons to fill which votes shall have been given at said election, the name of every person to whom any vote shall have been given for such office, and the number, in words at length, of votes given to such person for the said office. The tally lists shall be signed by the inspector, judges and clerks, and deposited, with one of said certificates, in the box into which the ballots shall have been put when read; and the lid of said box shall be secured by tape, crossed and sealed in sealing wax, by one of the judges (not being the inspector). The other certificate and the ballot boxes shall be kept by the inspector, and produced at the court house as required in the section next following. Certificates of result. Number of votes, how to be written. Signed. Sealed. Custody.

SEC. 24. The inspectors of the several hundreds in each county shall meet on the Thursday next succeeding the day of the general election, at twelve of the clock, noon, at the court house of their county. The inspectors of New Castle county shall meet on the Thursday succeeding the day of the general election, at ten o'clock a. m., at the court house of the county. The sheriff of the county shall attend at the same time and place; and the said sheriff and inspectors shall be a board of canvass, of which the sheriff shall be the pre- Meeting of inspectors. Amended Chapter 432, Volume 17. Board of canvass.

siding officer; but if the sheriff shall be dead, or shall not attend, then the coroner of the county shall be a member and the presiding officer of the said board; but if the coroner shall not be in attendance, the prothonotary of the county shall be a member and the presiding officer of said board; but if he shall not be in attendance, then the inspectors present shall appoint one of their number to be the presiding officer of said board, and the said board may appoint clerks as they may deem proper.

Inspectors to produce certificates.

SEC. 25. Each inspector shall, at the said time and place last mentioned, deliver to the sheriff, or other presiding officer of the board, the certificate of election for his hundred, so signed as aforesaid, and also the ballot boxes, the one being secured as aforesaid, and shall also deliver the stamp and appurtenances mentioned in Section 3. If the certificate of election for any hundred cannot be produced, the ballot box for that hundred may be opened and the certificate therein contained taken and used, and again deposited in said box, which shall be secured as before.

And boxes, stamps, &c.

Sealed box may be opened; when.

To be sent in case of death, &c.

SEC. 26. If any inspector, after the election and before the meeting of the board of canvass, shall die, or be prevented from attending the meeting by sickness, or accident, the certificate of election and ballot boxes for his hundred shall be sent by safe and secure conveyance (for the safety of which the inspector, or his executors or administrators, or heirs, shall be responsible), on the said Thursday next succeeding the day of the general election to the court house of the county, and there to be delivered to the sheriff of the county, or other presiding officer of the board of canvass, by twelve of the clock, noon.

Penalty for not attending board of canvass.

SEC. 27. If any inspector shall neglect or refuse to attend the said board of canvass, not being necessarily prevented as aforesaid; or, if the certificate of election, or the ballot boxes for any hundred, shall not be produced or sent and delivered to the sheriff, or other presiding officer of the board of canvass, as before required, the sheriff, or other presiding officer of the board of canvass, shall have power to issue his warrant, under his hand, to any person or persons whom he may appoint, commanding such person or persons,

Arrest.

without delay, to arrest and bring to the meeting of the board of canvass such inspector so neglecting or refusing to attend, and to obtain and produce to the board of canvass the certificate of election and ballot boxes which such inspector

ought to have produced and delivered to the sheriff, or presiding officer of said board; or if a command for arrest shall at any time be improper, then such warrant may command the person or persons to whom it shall be directed, without delay to obtain and produce to the board of canvass the certificate of election and ballot boxes that shall not have been produced, or sent and delivered as hereinbefore required; and the person or persons to whom such warrant shall be directed are required and strictly enjoined to execute the same, and to call and command any assistance that may be required. Production of certificates, &c.

SEC. 28. The said board of canvass shall publicly, in the presence of such electors of the county as shall think proper to be present, ascertain the state of the election throughout the county, by calculating the aggregate amount of all the votes for each office that shall have been given, in all the hundreds of the county, for every person voted for for such office. Summary of vote.

SEC. 29. After the state of the election shall have been ascertained, by calculating the votes as aforesaid, the sheriff or other presiding officer of the board of canvass and the inspectors present at the said board shall, before any adjournment or separating of said board, make under their hands the following certificates, to wit: four certificates of the election of Governor, certifying in words at length the number of votes given for every person voted for for that office; two certificates of the election of a representative or representatives, as the case may be, of this State in the House of Representatives of the United States in Congress, certifying in words at length the number of votes given for every person voted for for that office; two certificates of the election of senator or senators, and two certificates of the election of representatives for the county in the General Assembly; two certificates of the election of sheriff; two certificates of the election of coroner; and one certificate of the election of levy court commissioners, or of such said officers as shall have been voted for at the said election. The sheriff, or other presiding officer of the board of canvass, shall inclose and seal up each of said certificates separately in a paper, with an indorsement thereon describing the certificates inclosed. Upon the paper inclosing the certificates of the election of senators or representatives in the General Assembly, the names of the person chosen shall be indorsed. Certificates of election

Governor.

Representative in Congress.

Senators.

Representatives.

Sheriff.

Coroner.

Levy Court.

Inclosing and indorsing.

OF ELECTIONS.

Form of certificates.

SEC. 30. The aforesaid certificates may be according to the following form, to wit:

Amendment Chapter 362, Volume 11.

The State of Delaware, ——— *county*, *ss. Be it remembered, that at the general election held on the Tuesday next after the First Monday in November, in the year of our Lord one thousand eight hundred and* ——— *for* ——— *county, according to the constitution and laws of the State of Delaware*, [here insert, to wit, if the certificate be of an election of Governor or of representative in Congress, the number in words at length of votes given for each person voted for for said respective offices; if the certificate be of an election of senator or of representatives in the General Assembly, or of levy court commissioners, or of sheriff or coroner, the names of the persons elected] *which is manifest by calculating and ascertaining the aggregate amount of the votes given for each person voted for, according to the provision made by law in this behalf. In testimony whereof, we, the sheriff of the said county* [or ——— of the county, presiding officer of the board of canvass, duly officiating because of the non-attendance (or death, as the case may be), of the sheriff] *and the inspectors of the several hundreds of the said county, who have this day met and ascertained the state of the said election throughout the said county, as the law requires, have hereunto set our hands at the court house in said county, on Thursday the* ——— *day of November, being the Thursday next succeeding the day of the election aforesaid, in the year aforesaid.*

How filled up.

And the manner of making the insertion aforesaid may be as follows, to wit:—

Governor.

In case of Governor—

votes were given for for Governor;
votes were given for for Governor;

and so on, naming each person voted for.

Representative in Congress.

In case of Representative to Congress,—

votes were given for
for Representative to Congress;
votes were given for
for Representative to Congress;

and so on, naming each person voted for.

Senators. Representatives.

In case of Senators or Representatives to the General Assembly— *was duly chosen Senator* [or, and were duly chosen Senators] *for said county in the General Assembly; and was duly chosen Senator for said county in lieu of late Senator for said*

county in the General Assembly; were duly chosen Representatives for said county in the General Assembly;

In case of Sheriff or Coroner,— Sheriff, &c.

was duly chosen Sheriff [or Coroner as the case may be] *of said county;*

And in case of Levy Court Commissioners,— Levy Court.

was duly chosen Levy Court Commissioner for hundred; and so on.

SEC. 31. If, by reason of an equal number of votes having been cast for two or more persons for the office of senator or representative in the General Assembly, it shall appear to the said board of canvass that a vacancy will occur in said office, a certificate of such fact shall thereupon be made under the hand of the sheriff or other presiding officer and the inspectors present; which certificate shall be delivered by the sheriff, or presiding officer, with the aforesaid certificates of election, to the Governor, as hereinafter is provided. Tie votes. Certificate of, to Governor.

SEC. 32. The sheriff or other presiding officer of the board of canvass shall, either personally, or by a person deputed by him for that purpose, deliver and lodge the said certificates of the election for Governor, according to the directions of the constitution in this behalf, and shall lodge one of said certificates of the election of senator or senators, and one of the said certificates of the election of representatives for the county in the General Assembly, in the office of the prothonotary of Kent county; and shall deliver one of said certificates of the election of representative or representatives in the House of Representatives of the United States, and one of said certificates of the election of sheriff, and one of said certificates of the election of coroner, to the Governor, and lodge the other of the said certificates, and the said certificate of the election of levy court commissioners, in the office of the clerk of the peace of the county, all within five days next ensuing the day of calculating the votes and ascertaining the state of the election as aforesaid; and further shall deliver, on the first day of the meeting of the General Assembly after the election, the other certificate of the election of senator or senators to the Senate, and the other certificate of the election of representatives for the county to the House of Representatives. The prothonotary of Kent county shall, on any day of the meeting of the General Assembly, deliver, if required, the certificate of election of senators or of repre- How delivered and filed. To the Legislature. When.

sentatives to the order of the house to which it belongs, or to any person named in the endorsement thereon.

Papers to be filed with Clerk of the Peace.

SEC. 33. Each inspector shall, on the Thursday next preceding the day of the general election, deliver into the office of the clerk of the peace of his county the oaths or affirmations that shall have been signed by the inspector and judges of the election in his hundred, and the certificate of said oaths or affirmations being administered, to be made and signed as directed in the thirteenth section, and the two lists of the polls kept at the election as before directed, and the alphabetical list aforementioned, with the notes of "voted" as the same shall have been made thereon; all which shall be filed in the office of the said clerk, and shall be public records, and as such admissible as evidence.

Sheriff to keep boxes.

SEC. 34. The sheriff shall preserve the ballot boxes containing the ballots, certificate and tally lists deposited therein as before directed, safely, and secured in the manner in which the same shall have been delivered to him, until the last day of February next after the election; and if a sheriff shall not be presiding officer of a board of canvass, then the said ballot boxes shall be delivered by the presiding officer of said board to the sheriff of the county, safely and securely, as soon as circumstances will admit thereof.

Substitute.

To be delivered to the Senate, when.

SEC. 35. The Senate shall have power to compel a delivery to that body of the ballot boxes aforesaid, or of the certificate of the election of Governor, or of the certificate of the election of any member or members of that body, and for that purpose, to order and cause to be arrested and brought before them, any sheriff, coroner, prothonotary, or other officer presiding at a board of canvass, and to adjudge him guilty of a contempt for neglect or refusal to deliver any such certificate, and to proceed against him accordingly; and the House of Representatives shall have power to compel the delivery of said ballot boxes, or of the certificate of election of any members of that body, in like manner and by like proceedings.

To the House, when.

SEC. 36. Repealed by Chapter 122, Volume 13, Delaware Laws, Section 2.

SPECIAL ELECTION FOR GENERAL ASSEMBLY.

Vacancies.

SEC. 37. Whenever a vacancy shall happen in either branch of the General Assembly, whether by the death, resignation, or removal of a member, by a tie vote at the

general election, or otherwise, the speaker of the house in which the vacancy happens (if the General Assembly be then sitting), or (if it be not sitting at the happening of such vacancy), the Governor shall immediately issue writs of election for filling such vacancy, directed to the sheriff of the county in which such vacancy happens. Writs of election.

SEC. 38. If a writ of election to fill a vacancy in the Senate be issued after an adjournment, without day, of the General Assembly, and not less than ten days before the holding of the general election, the said writ shall be executed at the time of holding the next general election; the election to fill the vacancy pursuant to said writ being held by the same persons and in all respects as the general election, unless a session of the General Assembly shall, in the meantime, be convened by the Governor. When executed.

SEC. 39. If a vacancy shall happen in the House of Representatives after an adjournment without day, of the General Assembly, no writ of election shall be issued under Section 37, unless the Governor shall also issue a writ for convening the General Assembly. Not to issue; when.

SEC. 40. The sheriff shall, on the next day after receiving a writ of election, unless the same shall be Sunday, and then on the Monday next following, put up on the outside of the court house door of his county, and also in one of the most public places of each hundred of his county, a proclamation reciting the said writ and appointing a day for holding a special election pursuant thereto—such day not to be more than five nor less than four days next after the day of receiving the writ exclusive of that day; subject, however, to the provisions of the thirty-eighth section in cases falling within that section. Notice by Sheriff. Proclamation.

SEC. 41. The sheriff shall also, upon receiving a writ of election, deliver a written notice thereof, and of the day appointed for holding an election pursuant thereto, to the inspector of each hundred of his county who served at the preceding general election; or if such inspector of any hundred be dead, removed, or unable to serve, then to the assessor of such hundred: and the said sheriff shall, in such written notice, require the inspector or assessor to produce the certificate of the election, to be held in his hundred, at the court house of his county, on the day next after the day of holding the election by twelve o'clock, noon. Notice to inspector.

OF ELECTIONS.

Notice by inspector.

SEC. 42. Every inspector or assessor receiving such notice as aforesaid, shall forthwith give public notice thereof by advertisements posted in at least five of the most public places of his hundred, stating the day and place of the election and the officer or officers to be chosen.

Presiding officer; who.

SEC. 43. The inspector of the hundred who shall have served at the next preceding general election, or in case of his death, removal, or inability, the assessor of the hundred, shall be the presiding officer for such special election; and if both inspector and assessor shall be absent from the place of election at the time for opening the same, the electors present shall choose a presiding officer, as above prescribed in the tenth section of this chapter for choosing a presiding officer at the general election.

Judges of election.

SEC. 44. The presiding officer of such special election shall, before opening the same, take to his assistance, from among the qualified electors of the hundred, two persons to be judges of the election; who shall be subject to the same penalty for a refusal to serve, and shall, with the presiding officer, be qualified in like manner as is provided in case of the general election.

Place.

SEC. 45. Every special election shall be held in each hundred at the place appointed by law for holding the general election, and shall be opened, conducted and closed at

Manner.

the same time, and in the same manner, and under the same regulations as the general election.

Board of Canvass. Amended, Chapter 432, Volume 17.

SEC. 46. The inspectors of the several hundreds shall, on the day next after the day of holding a special election, at

Sheriff presides.

twelve of the clock, noon, meet at the court house of the county as a board of canvass. The sheriff of the county shall then and there attend as the presiding officer of the said board; and in case of his absence, the coroner shall act; and

Substitutes.

in case of his absence, the prothonotary of the county shall act, and in case of his absence, a presiding officer shall be

Result.

chosen by the inspectors present. The certificates of the election in the several hundreds, shall be produced and the state of the election throughout the county shall be ascertained, and certificates thereof shall be made and returned, in the same manner and under the same regulations as provided for the general election; and the sheriff, or other presiding officer of the board of canvass, shall have the same power for compelling the attendance of inspectors and obtaining the certificates of election as in case of the general election.

OF ELECTIONS.

CHAPTER 20, REVISED CODE.

Election of Electors of President and Vice President.

How chosen

SEC. 1. The electors to be appointed in this State for the election of a President and Vice President of the United States, shall be chosen by ballot by the citizens of the State having right to vote for representatives in the General Assembly.

Election; when held. Amendment Chapter 8, Volume 11. Where.

SEC. 2. For this purpose an election shall be held on the Tuesday next after the first Monday (in the month of November) of the year in which such electors are to be chosen, in the several counties of this State at the places in the hundreds respectively at which the general election in the same year is held; but if it be impracticable to hold the election at any such place, the inspector shall appoint some other place and give notice thereof as prescribed in relation to the general election.

Proclamation.

SEC 3. The Governor, in October next preceding every election to be held pursuant to this act, shall by proclamation make known the number of the electors to be chosen, and the day of said election.

Election, how conducted.

SEC. 4. The election shall be conducted in the same manner and form and by the same persons and officers, and under the same regulations in all respects, as the general election for the same year.

Board of Canvass. Amended, Chapter 432, Volume 17.

SEC. 5. The inspectors of the several hundreds shall meet at the court house of the county on the Thursday next following the election at 12 o'clock noon as a board of canvass to ascertain the state of the vote in the county. Their proceedings shall in all respects be subject to the provisions in that behalf of Chapter 18, respecting the general election. Before separating they shall make under their hands three certificates of said election in their county, certifying the names of all the persons voted for, and the number of votes given to each in words at length: which said certificate shall within three days after the meeting of the said board of canvass be delivered by the presiding officer thereof, personally or by deputy, as follows, to wit: one to the Governor, another to the Secretary of State, and the other to the prothonotary

Certificates, how made.

How delivered. Papers.

of the county. The lists of the polls, the lists of voters, and alphabetical lists shall be delivered by the several inspectors to the clerk of the peace of the county, agreeably to Section 33 of Chapter 18.

Proclamation of result

SEC. 6. The Governor shall without delay examine the certificates and ascertain the electors chosen, and make known the same by proclamation, and cause notice of his

Lists.

election to be transmitted to each elector. He shall also cause three lists of the names of the electors, duly made and certified, to be delivered to the electors, according to the act of Congress in that behalf on or before the day appointed for their meeting.

No election.

SEC. 7. If upon examining the aforesaid certificates it shall appear to the Governor that there has been a failure to choose one or more of the electors to be appointed in this State as aforesaid, or if from any cause electors shall fail to

Legislature convened.

be chosen as hereinbefore prescribed, he shall immediately issue writs for convening the General Assembly, at Dover, on the fourth Monday of the same November; and the elector or electors to be appointed in this State for the election of a President and Vice President of the United States and not chosen at the election held pursuant to the provisions of this

To appoint.

chapter, shall be appointed by ballot by the General Assembly so convened in joint meeting of the Senate and House of Representatives.

Mode of choosing,

SEC. 8. In such joint meeting there shall be a distinct balloting for each elector, and a majority of all the votes given shall be necessary to an appointment; but if upon any bal-

Tie.

lotings two persons only shall be voted for, and each shall receive an equal number of votes, the Speaker of the Senate

Casting vote

shall give an additional casting vote; if upon twice balloting in succession more than two persons be voted for, and one of said persons on each balloting receive one-half the number

Controlling vote.

of all the votes given, the Speaker of the Senate may, on the second balloting, give an additional casting vote to the person having one-half of the number of all the votes given, or if he decline, the Speaker of the House of Representatives may, if he think proper, give an additional casting vote to the person having one-half of said vote.

Disqualification.

SEC. 9. No member of the General Assembly for the time being shall be appointed an elector of President and Vice President under the foregoing section.

OF ELECTIONS.

SEC. 10. Certificates of such appointment by the General Assembly shall be duly made and signed by the Speaker of the Senate and the Speaker of the House of Representatives, and attested by the clerks of said houses respectively, and shall be transmitted by the Speaker of the Senate as follows, to wit: one to the Governor, in order that lists may be made, certified and delivered, according to the act of Congress in that behalf, and one to each of the electors appointed. Certificates, how made. How delivered.

SEC. 11. The electors chosen or appointed in this State for the election of a President and Vice President of the United States shall meet and give their votes at Dover on the day determined by Congress for that purpose. Electors' meeting. Voting.

SEC. 12. In case of the death or inability to attend of either of the electors, or if either of the electors be not present at the said time and place of meeting by twelve of the clock, noon, of the said day, the electors present shall appoint an elector in the place of him so not present. Substitutes.

SEC. 13. The electors may employ a clerk, who shall receive for his services the sum of ten dollars. Clerk.

SEC. 14. The electors respectively shall receive for attendance and travel the same compensation as members of the General Assembly, to be paid, as also the compensation of the clerk, by the State Treasurer, on a warrant signed by the electors, out of any money in the treasury not otherwise appropriated. Pay. Orders.

CHAPTER 21, REVISED CODE.

Election of Representatives in Congress.

SEC. 1. An election for choosing a representative or representatives, as the case may be, for the people of this State in the Congress of the United States, shall be held on the [Tuesday next after the first Monday] of November, in the year in which the general election is held, in the several counties in this State, at the same places at which the election for members of the General Assembly of this State shall, for the time then being be held, in said counties respectively. Time of election. Amendment Chapter 362, Section 2, Volume 11. Places.

SEC. 2. Such election for representative or representatives in Congress, shall be conducted in the same manner How conducted.

OF ELECTIONS.

and form, by the same persons and officers, and under the same regulations in all respects, as the election for members of the General Assembly; and the votes given in each county for representative or representatives in Congress, shall be calculated and ascertained at the same time and place, in the same manner and by and under the same means and regulations as those for members of the General Assembly.

Returns.

SEC. 3. Returns shall be made to the Governor as the law directs; and the Governor shall, without delay, examine the returns, and declare the person or persons elected, and shall issue certificates of such election under his hand and the great seal of the State; one of which he shall transmit to the Secretary of State of the United States, and one to the person elected, or if more than one, to each of them; the returns shall be filed in the office of the Secretary of State; and the Governor shall, by proclamation, make public the state of the vote by causing the same to be published in one or more of the public newspapers of this State.

Certificates.

How sent.

Filed.

Proclamation.

SPECIAL ELECTION.

Vacancies; how filled.

Where.

SEC. 4. Whenever a vacancy shall happen by death, resignation or otherwise, in the representation from this State in the House of Representatives of the United States, an election shall be held to fill such vacancy on such day as the Governor shall appoint, in the several counties of this State, at the same places which at the time shall be prescribed by law for holding the general election.

Writs of election.

SEC. 5. The Governor shall issue writs of election to the sheriffs of the several counties, reciting the vacancy, and commanding each sheriff to cause an election to be held in his county on the day in said writ mentioned, at the places by law prescribed for holding the general election in said county, for choosing a representative in place of him whose seat shall have so become vacant; which writ shall be delivered to each sheriff at least seven days before the day therein appointed for holding the election.

Notice by Sheriffs.

SEC. 6. Each sheriff shall, within ten days after receiving such writ, put up on the outside of the court house door of his county, and also at one of the most public places in every hundred of his county, a proclamation reciting the said writ and requiring an election to be held pursuant thereto, and shall also deliver such a proclamation to the inspector of each hundred in his county, who shall have served at the

general election then next preceding, or in case of his death, removal or inability to serve, to the assessor of such hundred.

SEC. 7. Such inspector or assessor shall forthwith, after receiving such proclamation, give notice of the election by advertisements under his hand, posted in at least five of the most public places of his hundred. Notice by Inspectors, &c.

SEC. 8. A special election for representative or representatives in Congress, shall be conducted in the same manner and form, and by the same persons and officers; and under the same regulations in all respects as a special election to supply a vacancy in either house of the General Assembly; and the votes given in each county shall be calculated and ascertained at the same time and place and in like manner and by the same method and regulations as in case of such special election. Special elections, how held.

SEC. 9. Returns shall be made to the Governor, who shall declare the person elected, and grant certificates and issue proclamation as prescribed in the third section of this chapter. Returns.

SEC. 10. It shall be in the discretion of the Governor whether to appoint a day for holding such elections before the day of holding the general election next after the happening of such vacancy; and if the day of holding the general election shall be appointed, then the election shall be held and conducted and all the proceedings touching the same had, according to the provisions of the first three sections of this chapter. Governor's direction as to time.

CHAPTER 23, REVISED CODE.

Of Contested Elections.

SEC. 1. Any person intending to contest the election or the eligibility of any one returned by the board of canvass as a member of either branch of the General Assembly, from either of the counties of this State, shall, at least twenty days before the meeting of the General Assembly, give written notice of such intention to the person whose seat he intends to contest, and within ten days after said notice, shall deliver to him a written specification of the several grounds upon which it is intended to contest the said election or the Contesting seats in the Legislature. Notice of. Specifications.

OF ELECTIONS.

Illegal votes. eligibility of the person so returned as aforesaid, and if one of said grounds shall be that illegal votes were given at such election for the person so returned, then such specification Names. shall particularly set forth the name of each alleged illegal Grounds. voter, with the several objections to the legality of his vote.

Counter specifications. SEC. 2. The person returned as aforesaid shall, within fifteen days after receiving such notice, deliver to the person so contesting his seat a like specification of objections to the right of the contestant to such seat.

Affidavits. SEC. 3. Every specification as aforesaid shall be verified by affidavit of the party delivering the same, stating that he verily believes that the grounds of objection set forth are substantially true, and that the voters specified as illegal voters were not entitled by law to vote at the election in question.

Copies, how delivered. SEC. 4. Copies of said notice and specifications verified as aforesaid shall be delivered to the Speaker of the House having cognizance of the matter; the contestant to deliver his notice and specifications with his petition on the first day of the session, and the sitting member so to deliver a copy of his specifications to the said Speaker when he delivers them to the contestant.

Restrictions SEC. 5 In the trial of the case of contested election the parties shall be restricted to the grounds of objection in the specifications set forth, and shall not examine into the illegality of any votes other than those specified as illegal, nor impeach such votes for any causes other than those so specified as aforesaid.

Costs. SEC. 6. If the house having cognizance of the matter shall determine that the sitting member is not entitled to his seat, it may order that the costs incurred by such contested election be paid by the county from which such member shall have been returned as duly elected; and in that case provision for the payment of such costs shall be made by the levy court of the said county at its next session after the adjournment of the General Assembly.

In frivolous cases. SEC. 7. The said house in determining against the claim of the contestant may also decide that the proceeding on his part is frivolous and vexatious, and may order that he shall Costs of contest. pay all the costs of the said contested election; but without such order the contestant shall not be liable to costs, and the same shall be paid by the State as heretofore in like cases.

OF ELECTIONS.

SEC. 8. Any order for the payment of costs by the contestant shall be enforced by a writ issued by the speaker of the house in which such election was contested, to the sheriff of Kent county, directing him to levy and make the amount thereof of the goods and chattels, lands and tenements of the said petitioner, under which writ the said sheriff shall sell the same, or such part thereof as may be necessary to satisfy said writ, upon fifteen days' notice posted as required in cases of sale on execution process, and shall pay over the amount by him received upon said writ to the State Treasurer, for the purpose of reimbursing to the treasury the sums drawn therefrom to pay the costs of said contested election. Execution for costs.

CHAPTER 33, VOLUME 17.

An Act in Relation to Contested Elections other than for Members of the General Assembly and Governor.

SEC. 1. Any person claiming to be elected to an office to be exercised in and for any county or hundred may contest the right of any person declared to be duly elected to such office for any of the following causes, to wit: 1st. For mal-conduct on the part of the officers or judges holding the election, or any one of them; 2d. When the person whose right to the office is contested was not at the time of the election eligible to such office; 3d. When the person whose right is contested has given to any elector or inspector, judge or clerk of the election, any bribe or reward, or shall have offered any bribe or reward for the purpose of procuring his election; 4th. On account of illegal votes. Who may contest. Causes.

SEC. 2. No inequality or improper conduct in the proceedings of the officers or judges aforesaid, or any one of them, shall be construed to amount to such mal-conduct as to annul or set aside any election, unless the inequality or improper conduct shall have been such as to procure the person whose right to the office may be contested to be declared duly elected when he has not received the highest number of legal votes cast at said election. When irregularities shall not invalidate.

SEC. 3. When any election held for an office, exercised in and for a county, is contested for any mal-conduct on the part of the officers or judges of election, or any one of them, in any hundred or election district, the election shall not be Not void except in certain cases.

annulled or set aside upon any proof thereof unless the rejection of the vote of such hundred or hundreds, election district or election districts, shall change the result as to such office in the remaining vote of the county.

When set aside for illegal voting

SEC. 4. Nothing in the fourth ground or cause of contest specified in the first section of this act shall be so construed as to authorize an election to be set aside or annulled on account of illegal votes, unless it shall appear that an amount of illegal votes has been given to the person whose right to the office is contested which, if taken from him, would reduce the number of his legal votes below the number of votes given to some other person for the same office, after deducting therefrom the illegal votes which may be shown to have been given to such other person.

Proceeding in case of ineligibility of person elected.

SEC. 5. In cases arising under the second and third causes of contest, specified in section one of this act, a proceeding may be instituted under this act against such person by the person who received the next highest number of votes for the office at the election under which such ineligible person was declared elected, notwithstanding the person so contesting the election does not claim to have been elected.

Written statement to be filed by contestant. What to contain.

SEC. 6. When any person authorized to do so under this act shall desire to contest the right of any person declared duly elected to such office, he shall, within twenty days after the result of the election shall have been officially ascertained by the board of canvass, or officers legally authorized to ascertain the same, file with the prothonotary of the Superior Court of this State, in and for the county in which said contest is made, a written statement, setting forth specifically: 1st. The name of the person contesting such election; 2d. The name of the person whose right to the office is contested; 3d. The office; 4th. The particular cause or causes of such contest; which statement shall be verified by the affidavit of the contesting party, that the matters and things therein contained are true, as he verily believes, and that the said contest is made in good faith.

What alleged in case of illegal voting.

SEC. 7. When the reception of illegal votes is alleged as a cause of contest, it shall be sufficient to state generally that illegal votes were given to the person whose election is contested in the specified hundred or hundreds, election district or election districts, which, if taken from him, will reduce the number of his legal votes below the number of

legal votes given to some other person for the same office, but no testimony shall be received of any illegal votes unless the party contesting such election shall deliver to the opposite party, at least four days before the trial, a written list or statement: 1st. Of the number of illegal votes and the general character of their illegality; 2d. The hundred or hundreds, election district or districts in which said votes were cast; 3d. That he intends to prove, or endeavor to prove, the contents of said statement in the trial. And no testimony shall be received of any greater number of illegal votes than is specified in such list. The name or names of the alleged illegal voters need not be given in said list or statement.

Written statement to opposite party. What to contain.

SEC. 8. No statement of the cause or causes of contest shall be rejected, nor the proceedings thereon dismissed for want of form, if the particular cause or causes of contest shall be alleged with such certainty as will sufficiently advise the defendant of the particular proceeding or cause for which the election is contested.

No statement rejected for want of proper form. Exception.

SEC. 9. Before such statement being filed as aforesaid, it shall be the duty of the said prothonotary to docket the said case in the appearance docket, as an issue to be tried at the next succeeding term of the Superior Court of said county, and immediately issue a citation for the person whose right to the office is contested, to appear on the first day of the next succeeding term of said court to make such defence as he may have in said case; which citation shall be delivered to the sheriff, or, if he be a party to the contest, to any constable of the county, and be served by him upon the party defendant in person, or, if he cannot be found, by leaving a copy thereof at the house where he last resided, at least five days before the day to which such citation is returnable. The original citation shall be returned to said prothonotary on or before the first day of the next term of said court after it is issued, and the manner of service shall be endorsed thereon and signed by the officer serving the same.

Duty of Prothonotary. Citation. Notice. How served. Return.

SEC. 10. The court may dismiss the proceedings if the statement of the cause or causes of contest do not conform to this act, or for want of prosecution. If said proceedings are not so dismissed, the case shall proceed upon its merits and be tried and determined by the court, by the rules of law and evidence governing the determination of questions of law and facts in the courts of law in this State, so far as the same

Court may dismiss.

When triable.

are applicable. And the said cause shall be tried at the first term of said court next after the filing of the statement of the cause or causes of contest, unless the court, for some good cause shown by either party, and supported by affidavit, deem it necessary for the ends of justice to continue the same. The costs of the continuance may, in the discretion of the court, be taxed upon the party applying therefor.

Costs of continuance.

Costs.

SEC. 11. The costs in all cases of contest under this act shall be awarded to the various parties entitled thereto, in the same manner, and as near as can be, to the same amount as for like services in other cases tried in said court.

Trial by Court.

SEC. 12. All cases of contest under this act shall be fully heard and determined by the court, without the aid or intervention of a jury, *unless* one or both of the parties to the contest shall claim a trial by jury, and the court shall, in their judgment, determine that it is a case which, under the constitution and laws of the State, the party or parties are entitled to a trial by jury. In such case a jury shall be empanelled and the cause proceed according to the rules and practice of the court in jury trials.

Exception.

Jury.

Jurisdiction.

SEC. 13. In the trial of any contested election under this act, the court shall have full authority to make an examination of the ballots given in such election, so far as the same may be necessary to arrive at a correct judgment, and may make and enforce by attachment all necessary orders to obtain possession of the same, and after hearing the allegations and proofs in the cause, shall render judgment (in accordance with the verdict of the jury, if a jury shall have tried said cause), either confirming or annulling such election altogether, or declaring some other person than the one whose election is contested duly elected.

Judgment of Court.

SEC. 14. If it appear by the judgment of the court or the verdict of the jury (if there be a jury), that any other person than the one whose election is contested received the highest number of legal votes, judgment shall be rendered declaring such person duly elected; which judgment, if it be in relation to an officer entitled under the provisions of law of this State to a commission, must be certified by the prothonotary of said court to the Governor, who must commission such person, and such judgment shall have the effect of depriving the person whose election is contested of all right or claim to such office, and of investing the person declared by such judgment duly elected with the right to the same,

Prothonotary to certify to Governor.

Effect of judgment.

and the court shall order a writ of possession to issue for the same. Said writ shall be directed to the sheriff, or if he be a party to the contest, to any constable of the county. The officer's fee for executing the said writ shall be the same as is now allowed for serving other writs of possession.

Writ for possession.

Fee.

SEC. 15. When the person whose election is contested is proved to be ineligible to the office, judgment shall be rendered declaring the election void and the office vacant, and such proceedings shall then be had as in vacancies happening from any other cause. When it shall appear that two persons have received an equal number of legal votes for the same office, the provisions of law heretofore in force for the settlement of such cases shall prevail, if there be any such provision; if there be none, then the said office shall be adjudged and declared vacant, and such proceedings shall then be had as in vacancies happening from any other cause.

When election is void.

Vacancies, how filled

SEC. 16. Judgment for costs shall be rendered in all cases against the unsuccessful party to the contest, and execution may issue against him for the same.

Execution for costs.

SEC. 17. Any person contesting any election under the provisions of this act, shall be required to give security for costs in such amount and manner as the court shall order. Such security, however, shall in no case be enforced unless judgment for costs be rendered against the contestant.

Contestant to give security for costs

CHAPTER 22, VOLUME 18.

An Act Concerning the Appointment of Electors of President and Vice President.

SEC. 1. Any person intending to contest the election of any one declared by the Governor to have been chosen an elector of President and Vice President of the United States shall, within ten days after such declaration by proclamation of the Governor, give written notice of such intention to the person whose election he intends to contest and also to the Governor; and within five days after the delivery of said notice shall deliver to the person whose election he contests and to the Governor written specification of the grounds upon which it is intended to contest the said election of the person so declared to have been elected as aforesaid; and if one of the grounds shall be that illegal votes were given at such

Notice of contest of election of electors shall be given within ten days.

Shall deliver within five days written specifications of grounds.

OF ELECTIONS.

What set forth.

Hundred, election district or precinct, shall be stated.

election for the person declared to have been elected, then such specification shall particularly set forth the name of each alleged illegal voter, with the several objections to the legality of his vote; and shall also distinctly set forth and state the hundred and election district or precinct at which the alleged illegal vote was cast.

Person whose seat is contested shall within ten days deliver to person contesting and Governor his objection.

SEC. 2. The person declared to have been elected as aforesaid and who has received notice of contest as aforesaid, shall, within ten days after receiving specification of the grounds of contest, deliver to the person so contesting his election, and to the Governor, a like specification of objection to the right of the contestant to be declared an elector; and in such specification may also state any other ground upon which he rests the validity of his election.

Specification shall be verified by affidavit.

SEC. 3. Every specification as aforesaid shall be verified by the affidavit of the party delivering the same, stating that he verily believes that the grounds of objection set forth are substantially true; and that the voters specified as illegal voters were not entitled by law to vote at the election in question.

Specification verified to be delivered to canvassing board.

SEC. 4. The notice and specification verified as aforesaid, which shall have been delivered to the Governor, shall be by him delivered to the canvassing board, hereinafter created, together with the certificates of the votes given for each person voted for for elector as returned to him by the respective boards of canvass under the election laws of this State, on the first day of the assembling of the canvassing board herein created.

Parties shall be restricted to ground of objection in specifications.

The illegality of other votes shall not be inquired into.

SEC. 5. In the trial of the case of a contested election the parties shall be restricted to the grounds of objections in the specifications set forth; and the statements of the other grounds upon which the person declared to have been elected rests the validity of his election; and shall not examine into the illegality of any other voter other than those specified as illegal, nor impeach such votes for any causes other than those so specified as aforesaid.

Party declared elected or contestant may apply to the Prothonotary of Kent County for subpœnas.

SEC. 6. Where any contestant or person who has been declared elected, and whose election is contested, is desirous of obtaining testimony respecting a contested election, he may apply to the Prothonotary of the Superior Court of the State of Delaware, in and for Kent County, for a subpœna

or subpœnas for summoning such witnesses as he may wish to appear before the board of canvass at such time as shall be in the subpœnas designated. Such subpœna shall be directed to the sheriff of the county in which the witness or witnesses reside, and shall be served in the same manner as subpœnas for witnesses in civil cases are served. The sheriff to whom a subpœna may be directed shall make return of his service thereon to the said board of canvass on the first day of its meeting to hear the contest.

Subpœnas to be directed to Sheriff of county where witnesses reside

Sheriff shall make return.

SEC. 7. The Superior Court of the State of Delaware, in and for Kent County, is hereby created and declared to be a board of canvass to hear and determine all contests of elections of electors of President and Vice President, with power to regulate and determine the mode of procedure, and all other matter pertaining thereto as may be necessary in carrying out the provisions of this act and the act of Congress fixing the day of the meeting of electors, passed February 3, A. D. 1887; and it shall be the duty of the Governor, whenever a notice of contest is served upon him, immediately to make proclamation convening said Superior Court in special session at the court house in Dover, on a day to be by him named, which shall not be later than the twentieth day of December next succeeding the day of the election in the year in which the election was held.

Superior Court of State of Delaware for Kent county created a Board of Canvass.

Duty of the Governor.

SEC. 8. The said Superior Court, after hearing any contest of election of an elector or electors, shall make out and certify, under the seal of the court, the ascertainment of the vote of the State for electors, and also certify the names of the persons chosen as electors, and cause said ascertainment and certificate, together with all the papers and certificates filed in the case, to be delivered to the Governor on or before the first day of January next succeeding the day of the election at which electors were chosen.

Duty of the Superior Court.

OF ELECTIONS.

CHAPTER 329, VOLUME 16.

An Act to Secure Free Elections.

Intimidation at elections by persons or corporations prohibited.

SEC. 1. That if any person or corporation, existing or doing business in this State, shall hinder, control, coerce or intimidate, or shall attempt to hinder, control, or coerce, or intimidate any qualified elector of this State from or in the exercise of his right to vote at any general, special or municipal election held under the laws of this State, by means of bribery, or by threats of depriving such elector of employment or occupation, absolutely or contingently, directly or indirectly, every such person or corporation so offending shall be guilty of a misdemeanor, and upon conviction thereof shall forfeit and pay to the State of Delaware a fine of not less than five hundred nor more than two thousand dollars, or be imprisoned (if a natural person) not more than one year, or both, in the discretion of the court. And every elector so aggrieved may also, in an action of debt brought for that purpose, sue for and recover from the person or corporation so offending as aforesaid the sum of five hundred dollars.

Penalty.

Action of debt.

Extent of liability of corporations

SEC. 2. That in all trials under the provisions of the foregoing section, the act or acts of any officer of a corporation, so far as they affect or concern any employé or servant of such corporation, shall be taken and held to be the act or acts of the corporation, whether general or special authority as to such act or acts from the corporation to such officer be shown or not. But nothing herein contained shall be construed to relieve any officer of a corporation from individual liability under the provisions of this act.

CHAPTER 8, REVISED CODE.

Of the Levy Court.

* * * * * * * * * * *

SEC. 2. The commissioners in each county [except New Castle county] shall be elected by ballot at the general election in such county by the citizens thereof having right to vote for representatives; and they shall respectively hold their office for four years, commencing on the first day of February next after their election; and if a vacancy occur before the general election next preceding the expiration of such term, the Governor shall appoint a suitable person, residing in the hundred where the vacancy happened, to supply it. The appointment thus made shall continue until the first day of February next after the next general election, when the voters of said county, qualified as aforesaid, if the regular term does not expire by the first day of February following, shall elect a commissioner for the residue thereof. If at any election for levy court commissioners two or more persons shall have an equal, and at the same time the highest number of votes for levy court commissioner of the same hundred, the Governor shall appoint a suitable person, residing in the hundred where a vacancy is thus occasioned, to supply said vacancy. The appointment thus made shall continue until the first day of February next after the next general election. * * * * * * *

How elected

Term of Levy Court Commissioner.

Amended, Chapter 314, Volume 16.

Vacancies. How supplied.

Amended, Section 1, Chapter 173, Volume 11.

Amended, Chapter 314, Volume 16.

CHAPTER 26, VOLUME 19.

An Act in Relation to the Levy Court of New Castle County.

* * * * * * * * * * *

SEC. 3. That the county of New Castle shall, for the purposes of this act, be and the same is hereby divided into five districts, to wit: One shall be composed of the hundreds of Brandywine, Christiana and Mill Creek, and shall be known as the First District; another shall be composed of all that portion of the city of Wilmington lying north of Sixth street, and shall be known as the Second District;

New Castle county divided into five districts.

Boundaries and divisions of districts.

another shall be composed of all that part of the city of Wilmington lying south of Sixth street, and shall be known as the Third District; another shall be composed of the hundreds of Red Lion, New Castle, Pencader and White Clay Creek, and shall be known as the Fourth District; the remaining district shall be composed of the hundreds of St. Georges, Appoquinimink and Blackbird, and shall be known as the Fifth District.

Election of Levy Court Commissioners.

SEC. 4. That at the general election to be held in the year 1892, and at the general election to be held in every fourth year thereafter, there shall be elected from among the resident freeholders of each of said districts, by the qualified voters thereof, one person to be a levy court commissioner of New Castle county, to hold office for the term of four years, commencing on the first Tuesday in the month of January next following such election. * * * * * *

Contested elections.

Should any two or more persons voted for as levy court commissioners of any district receive an equal and the highest number of votes cast at such election, the board of canvass shall certify the fact to the Governor, who shall forthwith select one of said persons to be the levy court commissioner from said district. * * * * * * *

Election and qualification of Receiver of Taxes and County Treasurer.

SEC. 6. * * * * That at the general election in the year A. D. 1892, and at the general election in each and every fourth year thereafter, there shall be voted for and elected by the voters of New Castle county qualified to vote for members of the General Assembly, a person, being a resident freeholder as aforesaid, to fill the said office of Receiver of Taxes and County Treasurer.

Term of office.

The person so elected, as aforesaid, shall hold office for the term of four years, commencing on the first Tuesday in January next succeeding his election, or until his successor shall be duly qualified. * *

Election of Comptroller.

SEC. 16. * * * That at the general election in the year A. D. 1892, and at the general election in each and every fourth year thereafter, there shall be voted for and elected by the voters of New Castle county, qualified to vote for members of the General Assembly, a person, being a resident freeholder as aforesaid, to fill the office of County Comptroller.

Term of office.

The person so elected as aforesaid shall hold office for the term of four years, commencing on the first Tuesday in January next succeeding his election, or until his successor shall be duly qualified. * * * * * * *

OF ELECTIONS.

CHAPTER 27, VOLUME 19.

Of the Election of County Treasurer.

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SEC. 5. At the general election to be held in Kent county in November, A. D. 1892, and at every general election to be held thereafter in said county, the citizens thereof, having a right to vote for representatives, shall elect by ballot some person resident in said county, to be County Treasurer, who shall hold his office for the term of two years commencing on the Thursday next following the first Tuesday in February next succeeding said general election. * * * *

Election of County Treasurer.

Term of office.

CHAPTER 28, VOLUME 19.

Of the Election of County Treasurer.

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SEC. 5. At the general election to be held in Sussex county in November, A. D. 1892, and at every general election to be held thereafter in said county, the citizens thereof, having a right to vote for representatives, shall elect by ballot some person resident in said county to be County Treasurer, who shall hold his office for the term of two years, commencing on the Thursday next following the first Tuesday in February next succeeding said general election.

Election of County Treasurer.

Term of office.

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OF ELECTIONS.

CHAPTER 31, VOLUME 17.

An Act in Relation to the Election of Road Commissioners in New Castle County.

Election of road commissioners.

SEC. 1. The qualified voters of the several hundreds in New Castle county shall, biennially, at the general election held on the Tuesday next after the first Monday in November, elect the road commissioners for said hundreds according to the rotation now established. All of said commissioners, whose terms of office would otherwise have expired before the time of holding the general election next after the passage of this act, shall continue to hold office until the time of holding the same.

Term of present commissioners.

Certificates.

SEC. 2. Immediately upon closing the election aforesaid in the several hundreds, and ascertaining the state of the vote, the inspector and judges of the election in said hundred, unless said hundred is divided into two or more election districts, shall make and sign certificates of the person or persons elected road commissioner or commissioners, as the case may be, and shall cause the same to be transmitted without delay, to wit: One to each of the road commissioners elected, and one to the clerk of the peace of the county, to be filed in his office. Said certificates shall be of the following form, viz:

To whom transmitted.

Form.

NEW CASTLE COUNTY, SS.

At the general election held in ——— hundred on the Tuesday next after the first Monday in the year of our Lord one thousand eight hundred and ———, ——— was duly elected road commissioner for said hundred.

In testimony whereof we, the judges of said election for said hundred, have hereunto set our hands the day and year aforesaid.

Certificates when hundred is divided.

SEC. 3. If the said hundred in which said election is held is divided into two or more election districts, the inspector and judges in each of said election districts shall make and sign a certificate of the number of votes given for each person voted for as road commissioner. The inspectors and judges of each of the election districts of said hundred shall assemble on the day next succeeding said election, at the

Meeting.

same time and in the same places of voting as now by law required for the meeting of presiding officers and judges of the election heretofore held on the first Tuesday in October, and ascertain the aggregate number of votes given in said election districts for each person voted for for road commissioner, and the person or persons, according as there may be one or more elected, having the highest number of votes for road commissioner or commissioners, shall be declared duly elected road commissioner or road commissioners; and the said inspectors and judges of said election districts in said hundred shall make, sign and transmit certificates of said election, as provided in Section 2 of this act. If two candidates for said office of road commissioner or commissioners shall have the highest and an equal number of votes, a casting vote shall be given by the presiding officer of said election, or, in case said hundred is divided into two or more election districts, by the presiding officer of the election district of said hundred, as directed by the several acts of the General Assembly dividing the several hundreds into two or more election districts, which casting vote so given shall elect the candidate in whose favor it is given.

When and where.

Ascertainment of vote

Certificate.

Tie.

LAWS

RELATING TO GENERAL, SPECIAL AND MUNICIPAL ELECTIONS IN THE CITY OF WILMINGTON.*

CHAPTER 192, VOLUME 18.

AN ACT to amend the Charter of the City of Wilmington.

City of Wilmington divided into twelve wards. Boundaries of wards.

SEC. 1. The City of Wilmington shall be divided into twelve wards. The First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, and Ninth Wards shall be bounded as heretofore. The Tenth Ward shall comprise all that territory lying and being between Adams and Franklin streets, and between Sixth and Linden streets. The Eleventh Ward shall comprise all the territory within its present limits. The Twelfth Ward shall comprise all that territory lying between Franklin street and the easterly side of Greenhill avenue and between Sixth street extended, and Linden street extended, westerly to the easterly side of Greenhill avenue.

City divided into twenty-seven election districts. Amended, Chapter 208, Volume 17.

SEC. 2. For the purpose of holding elections for State, county and city officers in Wilmington city and hundred, the city shall be divided into twenty-seven election districts. The first twenty-three of the said election districts and the several polling places established in each, shall be as is now established by law.

First district

All that portion of the First Ward lying and being south of Third street shall form the First Election District;

Second.

All that part of the First Ward lying and being north of Third street shall form the Second Election District;

Third.

All that part of the Second Ward lying and being south of the Christiana creek or river shall form the Third Election District;

*See Section 7, Chapter 16, Revised Code, as printed on page 80 of this pamphlet. See also Chapter 39, Volume 19, printed on pages 45-74 preceding.

OF ELECTIONS.

Fourth. All that part of the Second Ward lying and being north of the Christiana creek or river shall form the Fourth Election District;

Fifth. All that portion of the Third Ward lying and being south of Fourth street and east of Madison street shall form the Fifth Election District;

Sixth. All that portion of the Third Ward lying and being south of Fourth street and west of Madison street shall form the Sixth Election District;

Seventh. All that portion of the Third Ward lying and being north of Fourth street shall form the Seventh Election District;

Eighth. All that portion of the Fourth Ward lying and being west of Lombard street shall form the Eighth Election District;

Ninth. All that portion of the Fourth Ward lying and being east of Lombard street shall form the Ninth Election District;

Tenth. All that portion of the Fifth Ward lying and being east of Washington street shall form the Tenth Election District;

Eleventh. All that portion of the Fifth Ward lying and being west of Washington street and east of Adams street shall form the Eleventh Election District;

Twelfth. All that portion of the Fifth Ward lying and being west of Adams street shall form the Twelfth Election District;

Thirteenth. All that portion of the Sixth Ward lying and being south of Eighth street shall form the Thirteenth Election District;

Fourteenth. All that portion of the Sixth Ward lying and being north of Eighth street and South of Tenth street shall form the Fourteenth Election District;

Fifteenth. All that portion of the Sixth Ward lying and being north of Tenth street shall form the Fifteenth Election District;

Sixteenth. All that portion of the Seventh Ward east of Franklin street and south of a line beginning at the intersection of Delaware avenue and Franklin street, thence along Delaware avenue easterly to its intersection with Eleventh street, and thence along Eleventh street easterly to its intersection with Market street, shall form the Sixteenth Election District;

Seventeenth All that portion of the Seventh Ward lying and being east of Franklin street and north of a line beginning at the intersection of Delaware avenue and Franklin street, thence along Delaware avenue easterly to its intersection with Eleventh street, and thence along Eleventh street easterly to its intersection with Market street, shall form the Seventeenth Election District;

Eighteenth. All that portion of the Seventh Ward lying and being west

of Franklin street shall form the Eighteenth Election District;

All that portion of the Eighth Ward lying and being south of Eighth street shall form the Nineteenth Election District; Nineteenth.

All that portion of the Eighth Ward lying and being north of Eighth street and south of Tenth street shall form the Twentieth Election District; Twentieth.

All that portion of the Eighth Ward lying and being north of Tenth street shall form the Twenty-first Election District; Twenty-first.

All that portion of the Ninth Ward lying and being east of Thatcher street extended southerly to the Brandywine creek or river shall form the Twenty-second Election District; Twenty-second.

All that portion of the Ninth Ward lying and being west of Thatcher street extended southerly to the Brandywine creek or river shall form the Twenty-third Election District. Twenty-third.

* * * The polling places in the several election districts above designated shall be as follows: Voting places.

In the First Election District, at the house situated on the northeast corner of Second and Tatnall streets; First district

In the Second Election District, at the house situated on the northeast corner of Second and Orange streets; Second.

In the Third Election District, at the house situated on the southeast corner of Heald and Apple streets; Third.

In the Fourth Election District, at the house known as the "Felton House," on the southeast corner of Second and Walnut streets; Fourth.

In the Fifth Election District, at the house situated on the northeast corner of Christiana and Madison streets; Fifth.

In the Sixth Election District, at Witsil's store, on the southwest corner of Front and Madison streets; Sixth.

In the Seventh Election District, at the house situated on the southeast corner of Fifth and Madison streets; Seventh.

In the Eighth Election District, at the house on the northwest corner of Fourth and French streets; Eighth.

In the Ninth Election District, at the house situated on the southwest corner of Fifth and Spruce streets; Ninth.

In the Tenth Election District, at the Lafayette Hotel, situated on the southwest corner of Ninth and Shipley streets; Tenth.

In the Eleventh Election District, at the house situated on the northeast corner of Sixth and Madison streets; Eleventh.

In the Twelfth Election District, at some convenient place in said district, to be chosen by the inspector and assistant inspectors of said district, or any two of them; Twelfth.

Thirteenth. In the Thirteenth Election District, at the Askew building, situated on the northeast corner of Seventh and Market streets;

Fourteenth. In the Fourteenth Election District, in the building now owned by McLear and Kendall, situated on the east side of King street, below Ninth street;

Fifteenth. In the Fifteenth Election District, at the house situated on the southwest corner of Fourteenth and King streets;

Sixteenth. In the Sixteenth Election District, at the house situated on the southwest corner of Tenth and Orange streets;

Seventeenth In the Seventeenth Election District, at the schoolhouse known as the Howard School, situated on the east side of Orange street, between Twelfth and Thirteenth streets;

Eighteenth. In the Eighteenth Election District, at the house known as the "Logan House;"

Nineteenth. In the Nineteenth Election District, at the house situated on the northwest corner of Sixth and Church streets;

Twentieth. In the Twentieth Election District, at the house situated on the northeast corner of Eighth and Kirkwood streets;

Twenty-first In the Twenty-first Election District, at the house situated on the southwest corner of Eleventh and Lombard streets;

Twenty-second. In the Twenty-second Election District, at the house situated on the southeast corner of Thirteenth and Heald streets;

Twenty-third. In the Twenty-third Election District, at the house known as the "Brandywine Academy;" * * * * *

Amendment Chapter 192 Volume 18. Twenty-fourth District. The Twenty-fourth Election District shall consist of all that portion of the Tenth Ward lying and being north of Second street, and the polling place for said district shall be at the southeast corner of Third and Van Buren streets;

Twenty-fifth District. The Twenty-fifth Election District shall consist of all that portion of the Tenth Ward lying and being south of Second street, and the polling place for said district shall be at the northeast corner of Chestnut and Van Buren streets;

Twenty-sixth District. The Twenty-sixth Election District shall consist of the Eleventh Ward as by this act constituted, and the polling place for said election district shall be at the northwest corner of Maryland avenue and Beach street;

Twenty-seventh District. The Twenty-seventh Election District shall consist of the Twelfth Ward as constituted by this act, and the polling place for said election district shall be at the southeast corner of Fourth and Scott streets.

Elections to be held in said districts. At the said election districts as provided in this section, shall be held the general election, all special elections for members of the General Assembly, and representative or

representatives in Congress, electors of President and Vice-President of the United States, and elections for assessors of Wilmington hundred and inspectors for said election districts.

CHAPTER 30, VOLUME 17.*

An Act providing for the Election of three Assessors for Wilmington Hundred.

Three assessment districts.

SEC. 1. That for the purpose of a more convenient assessment of persons and property in Wilmington hundred of the county of New Castle, the said hundred shall be divided into three assessment districts, as follows:

Boundaries.

All the portion of said hundred comprised within the limits of the First, Second, Fourth and Eighth wards of the city of Wilmington, as now laid out and established by law, shall be the first assessment district of the said hundred; and all that portion of the said hundred comprised within the limits of the Third, Fifth, Tenth and Eleventh wards of the said city, as now laid out and established by law, shall be the second assessment district; and all that portion of the said hundred comprised within the limits of the Sixth, Seventh and Ninth wards of the said city, as now laid out and established by law, shall be the third assessment district.

See Chapter 20, Volume 17, as amended by Chapter 40, Volume 19.

Elections. When held.

SEC. 2 That an election for the purpose of choosing an assessor for each of the said assessment districts shall be held at the time and in the manner prescribed by Chapter 17* of the Revised Statutes of this State, pursuant to the laws now in force as to the election of county officers in the city of Wilmington.

Qualification of voters

Qualification of assessor.

SEC. 3. That every citizen qualified to vote for inspector of an election district in the said hundred of Wilmington may vote for an assessor of the assessment district within which such election district is comprised, and no person shall be elected assessor under the provisions of this act who shall not at the time of the election be a freeholder within Wilmington hundred and a resident in the assessment district for which he shall be elected.

*See Section 1, Chapter 29, Volume 17, as printed in this pamphlet on page 90.

OF ELECTIONS.

Meeting of officers. When and where.

Ascertainment of vote

Certificates.

SEC. 4. Immediately after making the certificate required by Section 8 of Chapter 19* of the Revised Statutes of this State, the presiding officers and judges of the several election districts of the said hundred shall assemble in the City Hall. And the presiding officers and judges of the election districts comprised within the first assessment district aforesaid, as laid out and established by the first section of this act, shall ascertain the number of votes given for assessor in the said election districts so comprised as aforesaid, and the candidate having the highest number of votes shall be declared assessor of the said first assessment district; and the presiding officers and judges last aforesaid shall make, sign and deliver certificates of said election in the manner prescribed by law for certifying the election of the assessors of the several hundreds. And the presiding officers and judges of the election districts comprised within the second assessment district, as laid out and established by the first section of this act, shall ascertain the number of votes given for assessor in the different election districts so comprised as aforesaid, and the candidate having the highest number of votes shall be declared duly elected assessor of the said second assessment district; and the presiding officers and judges last aforesaid shall make, sign and deliver certificates of said election in the manner now prescribed by law as aforesaid. And the presiding officers and judges of the election districts comprised within the third assessment district, as laid out and established by the first section of this act, shall ascertain the number of votes given for assessor in the different election districts so comprised as aforesaid, and the candidate having the highest number of votes shall be declared duly elected assessor of the said third assessment district; and the presiding officers and judges last aforesaid shall make, sign and deliver certificates of said election in the manner now prescribed by law as aforesaid.

Tie.

If two candidates for the office of assessor of either of the assessment districts hereby laid out and established shall receive the highest and at the same time an equal number of votes, the presiding officers of the election districts comprised within the assessment district in which the same shall happen shall agree upon and give a casting vote.

Duties of Assessors.

SEC. 5. The duties of the assessors elected under the provisions of this act shall, within the assessment districts hereby established, be the same as those prescribed by law

*See Section 2, Chapter 29, Volume 17, as printed on page 90 of this pamphlet.

for the assessors of the several hundreds, and all laws applicable to assessors elected under the provisions of Chapters 17 and 19 of the Revised Statutes of this State, and not inconsistent with this act, shall apply to assessors of the assessment districts hereby established.

Assessors assigned by Levy Court.

SEC. 6. That the assessors of the first and second assessment districts of said hundred now in office shall be assigned to such of the districts hereby created as the Levy Court of New Castle county shall, by resolution, determine, and after such assignment shall be the assessors of such districts respectively, to all intent and purposes, and perform all the duties of assessors in the same now prescribed by law for the assessors of the several hundreds, and hold their said offices subject to the laws now regulating the same, and until the terms for which they were elected shall expire by law. And the said Levy Court shall also appoint an additional assessor for the remaining district hereby created, who shall hold office until the next election of assessor under the law and the provisions of this act, who shall, by virtue of such appointment, be clothed with all the powers and subject to all the duties of an assessor within the said district now prescribed by law as fully as if he had been elected under the provisions of this act.

Additional Assessor to be appointed

Assigned first Tuesday in May of the present year.

SEC. 7. That the said Levy Court shall assign each of the assessors now elected to one of the districts created under the provisions of this act on the first Tuesday in May of the present year, and at the same time shall appoint the additional assessor for the remaining district. Each of said assessors shall appear before said Levy Court on the third Tuesday in said month, and on any other day the said court may require, to be qualified, and also to be instructed in their duties as such assessors, and shall immediately thereafter enter upon their duties under the provisions of this act.

Assessors to appear before Levy Court third Tuesday of May to be qualified.

Duty of Assessors.

SEC. 8. That upon such qualifications, each of said assessors shall make a general assessment of all the real and personal property in his district liable to taxation, and shall also assess the poll rate of every freeman of the age of twenty-one years and upwards. Each assessor shall complete the assessment for his district by the first day of January next, and such assessment shall be posted, corrected and returned to the Levy Court, as now provided by law; and all the laws now in force relating to general assessments shall apply to the assessment to be made under this act, save such as may

OF ELECTIONS.

Assessment in force till general assessment.

be inconsistent herewith. The assessments made under this act, however, shall stand and be acted on until the next general assessment, as now provided by the statutes of this State.

SEC. 9. That all acts or parts of acts inconsistent herewith be and the same are hereby repealed.

CHAPTER 45, VOLUME 19.

An Act Providing Additional Constables.

Special constables in city of Wilmington at general elections.

Who may not be appointed.

SEC. 1. That whenever a "general election" is held in this State the Governor may, on the application in writing of at least fifty citizens residing in the city of Wilmington, appoint special constables within said city. No person shall be appointed a special constable under the provisions of this act who is not at the time of his appointment a qualified voter of said city.

Duty of special constables.

SEC. 2. It shall be the duty of the special constables appointed under the provisions of Section one of this act to attend at all times for holding elections the polls in said city of Wilmington. Said special constables shall keep the peace, and support and protect the officers of election in the discharge of their duties, preserve order at such polls, prevent fraudulent voting thereat, and immediately, either at the place of voting, or elsewhere, and either before or after voting, to arrest and take into custody, with or without process, any person who commits or attempts or offers to commit any act or offense against the laws of this State; but no person shall be arrested without process for any offense not committed in the presence of the special constables or either of them, or of the election officers or either of them.

Arrests.

When arrests may not be made.

Arrests and hearing before Justice of the Peace

SEC. 3. Whenever any arrest is made under any provisions of this act, the person so arrested shall forthwith be brought before a justice of the peace for examination of the offense alleged against him; and such justice of the peace shall proceed in respect thereto as authorized by law in case of crimes against the State of Delaware.

OF ELECTIONS.

SEC. 4. That the special constables, whenever either or any of them is forcibly resisted in executing their duties under this act, or shall by violence, threats, or menaces, be prevented from executing such duties, or from arresting any person who has committed any offense for which the special constable or special constables are authorized to make such arrest, are and each of them is empowered to summon and call to his aid the bystanders or *posse commitatus* of the city of Wilmington. When a *posse commitatus* may be summoned.

SEC. 5. That there shall be allowed and paid to each special constable who is appointed and performs his duty under the preceding provisions compensation at the rate of five dollars per day for each day he is actually on duty, not exceeding three days, and the same shall be paid as other election expenses are paid. Compensation.

CHAPTER 207, VOLUME 17.

An Act to Revise and Consolidate the Statutes relating to the City of Wilmington.

* * * * * * * * * * *

CITY OFFICERS.

SEC. 3. The city officers shall be a Mayor, a Council to be composed of one member from each ward of said city, a President of said Council who shall be *ex officio* a member and the presiding officer of said Council, a Treasurer, an Auditor, a Solicitor, a High Constable, two Assessors who shall also be Collectors, one Inspector and two assistant Inspectors of election for each election district, and such other officers as the Council by ordinance shall create and appoint. City officers. Amended Chapter 660, Volume 18.

* * * * * * * * * * *

SEC. 4. No person shall be eligible to any office who is not, at his election, a citizen of the State and a resident of the city. The Mayor must have resided in the city two years next before his election. A member of Council must also have resided in the city two years before his election, and must additionally be, at the time of his election, a resident in the ward in which he is elected and a freeholder in the city. Eligibility. Residence.

OF ELECTIONS.

Clergymen ineligible.

No ordained clergyman, or ordained minister of the gospel, of any denomination, shall be eligible to any office established under or by virtue of this act.

* * * * * * * * * * *

MAYOR.

Amended Chapter 660, Volume 18.

Mayor's election.

Term.

SEC. 6. At the city election to be held on the first Saturday in June, A. D. 1891, and on the same day in every second year thereafter, the voters in the respective election districts shall vote for a. Mayor, who shall be elected by a plurality of all the votes cast in the several election districts. The Mayor shall hold office for the term of two years, commencing on the first day of July succeeding his election.

* * * * * * * * * * *

Appointments made by Council to fill vacancies

Elections when held.

SEC. 11. In case of the death, removal from the city, resignation, or refusal to act of the Mayor or any other elective officer of said city, or in case of the removal of any member of Council out of the ward for which he was elected, the Council shall make temporary appointments to supply such vacancies until the same can be filled by election under the provisions of this act. Such election shall be for the unexpired term of such officer, and shall take place at the first city election occurring more than nine days after the commencement of such vacancy, unless such vacancy shall occur in the last year of the term of said officer, in which case the temporary appointment of Council shall be for the unexpired term of said officer, and until his successor shall be duly elected and qualified. The provisions of this section shall apply to any elective office to which a person who has been elected thereto shall be found ineligible, or shall fail to give bond for the faithful performance of the duties of his office (when such bond is required by law) before the time fixed for entering upon the duties of his office.

* * * * * * * * * * *

Who shall compose Council after July, 1890.

Terms of members elected in 1888 extended.

SEC. 29. On and after the first day of July, A. D. eighteen hundred and ninety, the Council shall consist of a President of Council and twelve members. The terms of office of those members of Council elected on the first Saturday in June, A. D. eighteen hundred and eighty-eight, are hereby extended until and including the thirtieth day of June, A. D. eighteen hundred and ninety, during which said last mentioned year there shall be no city election, and the offices

OF ELECTIONS.

of members of Council whose terms in that year expire shall not be thereafter filled, but there shall, from and after the said thirtieth day of June, A. D. eighteen hundred and ninety, be one member of Council from each ward instead of two as theretofore. The term of the present President of Council is hereby extended until the first day of July, A. D. eighteen hundred and ninety-one, and he, together with the members of Council elected on the first Saturday in June, A. D. eighteen hundred and eighty-nine, shall, from and including the first day of July, A. D. eighteen hundred and ninety to the first day of July, A. D. eighteen hundred and ninety-one, constitute the said Council. The first city election after the city election in June, A. D. eighteen hundred and eighty-nine, shall be held on the first Saturday in June, A. D. eighteen hundred and ninety-one, at which said election a President of Council and twelve members shall be elected for the term of two years, commencing on the first day of July next ensuing said election, and said elections shall be held biennially thereafter on the first Saturday in June. The President of Council shall be the presiding officer and a member of said Council, and shall be elected from the city at large by a plurality of all the votes cast in the several election districts. One member of Council shall be elected from each ward by a plurality of all the votes cast therein. The above provisions shall be taken and construed to be subject to the provisions of Section 11 preceding."

After June 30, 1891, one member for each ward.

Term of President of Council extended.

President of Council and twelve members to be elected in June, 1891.

President of Council to be presiding officer and elected from city at large

Plurality of votes to elect

* * * * * * * * * * *

CITY TREASURER.

SEC. 32. At the city election to be held on the first Saturday in June, A. D. 1888, and on the same day in each and every third year thereafter, the voters in the respective election districts shall vote for a City Treasurer, who shall be elected by a plurality of all the votes cast in the several election districts. The City Treasurer shall hold office for the term of three years, commencing on the first day of July succeeding his election.

Amended Chapter 193, Volume 18.

Election of City Treasurer.

Term.

OF ELECTIONS.

Chapter 669, Volume 18.

[An Act to amend an act entitled "An act to Revise and Consolidate the Statutes relating to the City of Wilmington," as amended April 23, 1889.]*

* * * * * * * * * * *

Chapter 207, Volume 17, amended. Election to be by ballot. Form of ballots. Time of election.

SEC. 2. All elections shall be by ballot, and a plurality of votes cast shall make a choice; the ballots used shall conform in all respects to those required by the general law of the State. Each city election shall be opened between the hours of eleven o'clock in the forenoon and twelve o'clock noon, and continue open until seven o'clock in the afternoon, when the same shall be closed.

Qualified voters.

SEC. 3. That at all city elections every male citizen of the age of twenty-one years and upwards, having resided within said city for three months next previous to the election, and in the election district where he offers to vote for thirty days next preceding the election, and who being otherwise qualified to vote at all State elections shall have registered at the biennial registration next prior to the election at which he offers to vote, and no other, shall be entitled to vote. If any person who may have had his domicile in said city shall actually remove to any other place with the intention of remaining there an indefinite time as a place of domicile, he shall thereby lose his qualification of residence, notwithstanding he may entertain a floating intention to return at some future time.

Election and canvass of voters. How conducted.

SEC. 4. At all city elections held in the city of Wilmington the election and canvass of the vote cast thereat shall be in all respects conducted in conformity to the provisions of the general election laws of this State, except as in this act otherwise provided.

Failure to elect not to dissolve corporation.

SEC. 5. A failure to hold an election on election day, or the omission to execute any authority conferred by this act shall not dissolve the corporation, but the authority of each officer shall continue until a new election can be legally held.

Voters shall choose a member of Council biennially.

SEC. 6. The qualified voters of each ward shall, at every biennial election in June, choose a member of Council for their ward, resident in the ward. A member moving out of the ward shall thereby lose his office and the City Council shall fill the vacancy.

*This act is an amendmen to and part of Chapter 207, Volume 17.

OF ELECTIONS.

SEC. 7. That Andrew G. Wilson, Alexander J. Hart and George S. Capelle, of the city of Wilmington and State of Delaware, are hereby appointed and constituted a department of elections for the city of Wilmington; the terms of office of the said Andrew G. Wilson, Alexander J. Hart and George S. Capelle, the present members of the said department, are hereby respectively extended until the times following, to wit: The term of the said Andrew G. Wilson until the first day of August, A. D. eighteen hundred and ninety-five; the term of the said Alexander J. Hart until the first day of August, A. D. eighteen hundred and ninety-three, and the term of the said George S. Capelle until the first day of August, A. D. eighteen hundred and ninety-one, or until their respective successors shall be duly appointed as hereinafter provided. At the expiration of the term as so extended of the said George S. Capelle as a member of said department, and biennially thereafter, the place of the retiring member shall be filled by appointment by the Mayor of Wilmington for the term of six years. No person shall be eligible to appointment as a member of said department who shall not be a citizen of the United States and a qualified voter of and resident in the city of Wilmington for the term of five years next preceding his appointment. No member of the Department of Elections shall hold or be a candidate for any other municipal office during his membership in said department, nor until the expiration of six months after he shall have ceased to be a member of said department. When any vacancy occurs in said department, by or from any cause whatsoever, the Mayor aforesaid may fill the unexpired term by appointment, but at no time shall all the members of said department be on State issues of the same political faith and opinion. Each of said members shall, before entering upon his duties, take and subscribe and file, in the office of the Mayor of said city, an oath or affirmation that he will perform the duties of his office with fidelity and impartiality.

Members of Election Department terms extended.

Terms of office.

Who are eligible.

Member of Department not to hold or to be a candidate for any office

Vacancy, how filled.

Must make oath or affirmation.

The members of the Department of Elections shall each receive, as a compensation for their services, the salary of three hundred dollars in each year in which a city election is held, payable as the salaries of other city officers are paid. But no salary or compensation shall be paid in any year in which a city election is not held.

Compensation.

SEC. 8. The duties of the members of said Department of Elections shall be as follows:

Duties of members.

OF ELECTIONS.

1. They shall divide the city of Wilmington into as many election districts as they shall deem necessary on or before the first day of April, A. D. eighteen hundred and eighty-eight, and in every fifth year thereafter, on or before the first day of April, the members of the Department of Elections for the time being shall divide the city of Wilmington into as many election districts as they shall deem necessary; *Provided*, that no election district shall contain more than three hundred nor less than one hundred qualified voters; *and provided further*, that each of said districts shall be entirely within the boundaries of one ward. And on or before the first day of April, A. D. eighteen hundred and eighty-nine, and in every year thereafter, said Department of Elections may divide such of the districts, and such only as by the registration of voters last preceding such division shall be found to have had a registration of more than three hundred voters, but in any such division of any said districts one portion of the district shall retain the original numerical designation and the other portion shall take the number following the highest numbered district in the ward in which such new districts are situated.

Proviso.

Further proviso.

Shall designate and appoint the place of registry and polling place

Shall advertise the number and boundaries of districts, and designate the time and place of holding the registration.

2. They shall designate and appoint a place of registry and polling place in each election district in the city of Wilmington, and shall biennially, not less than two weeks prior to the first day of registration provided for in this act, advertise by posters or handbills, posted in five of the most public places in each district, the number and boundaries of the district in which they are posted, the time and place of holding the next registration and city election in such district, and the officers to be voted for at such election; and at the places so designated all city elections shall be held, and the work of registration performed, and the said Department of Elections shall hire all such places and cause the same to be fitted up, warmed, lighted and cleaned; but in such election district such place shall be in the most public, orderly and convenient portion of the district, and no building or part of a building shall be designated or used as a place of registry or polling place in which or in any part of which spirituous or intoxicating liquors is or has been sold within sixty days next preceding the time of using the same.

Shall cause books for registration to be prepared.

3. They shall cause to be prepared books for the registration of names and facts required by this act, said books to be known by the general name of registers, and to be so arranged as to admit of the entering of the name of each street

or avenue in each election district, and the number of each dwelling in any such street or avenue, if there be a number thereto (and if there be no number, under such other definite description of the location of the dwelling place as shall enable it to be readily ascertained, found and located), and the names of all male persons resident in each dwelling in each of said districts who shall apply for registration. Such registers shall be ruled in parallel columns in which, opposite to and against the name of every applicant, shall be entered the words and figures hereinafter provided in this act, and shall be of such size as to contain not less than four hundred names, and so prepared as they may be used at each election in the city of Wilmington until such time as in this act provided for the succeeding registration, and shall, on the inside, be in appearance and form as follows, to wit: How arranged.

Residence.	Address.	Sworn.	Nativity.	Color.	Term of Residence.		Naturalized.	Date of Papers.	Court.	Qualified Voter.	Date of Application.	Why Disqualified.	Remarks.	Voted.
					City.	State.								

4. They shall prepare and furnish all necessary registers, books, maps, forms, oaths, certificates, blanks, and instructions for the use of the inspectors of the election, provide for the furnishing of such officers therewith and with all necessary supplies; they shall have and retain the custody of all registers, tally lists, books, maps, forms, oaths of office, and of removal blanks, instructions, and all other records and supplies of every other kind or description pertaining to the Department of Elections provided for in this act. Shall prepare and furnish registers, books, &c., to the inspectors. Shall have the custody of registers, tally lists, &c.

5. They shall have power to dismiss any election officer at any time and supply his place with another person; they may also employ a clerk and such other assistance as in the judg- May dismiss election officers.

ment of said members of said department shall be necessary and proper for the faithful performance by the department of the duties of this act imposed, *provided* the expense thereof shall not exceed fifteen hundred dollars in any one year; which said sum of fifteen hundred dollars shall not include the compensation of members of the Department of Elections, inspectors, and poll clerks, to be paid as provided in this act.

Proviso.

Board shall have power to cause complete and accurate copies of the names, residences and cause of death of persons to be made.

6. They shall from time to time, and at all times, at least once in each and every year in which a city election is held, have full power and authority to make, or cause to be made, such full, complete and accurate copies as they shall deem necessary of the record of the names, residences, age and cause of death of each male person who shall die in the city of Wilmington, as the facts in respect to such death shall be furnished to the Register of births, deaths and marriages for the city of Wilmington, and shall keep, preserve and file all such copies of such records; and it shall be the duty of the said Department of Elections in each year in which a city election is held to cause to be delivered to each inspector of election in each election district in the city of Wilmington, on or before the third Saturday next preceding the day of any city election held in the city of Wilmington, an alphabetical record of all male persons twenty-one years of age and upward, who, in the district in which the said inspector is to serve, have died since the last city election. Such record shall be known and designated as a record of deaths, and it shall be the duty of each inspector of election in each district, upon the receipt of such record, to securely attach the same to the inside of the register in his custody to the end that it may be preserved, and upon the receipt of the same each inspector shall examine the register in his custody and as to the name of every person upon said registry who by said record of deaths shall by a coincidence in respect to said names and facts appear to have deceased, and opposite to and against every such name, to enter in the column headed "why disqualified" the word "dead," in the column headed "date of erasing name" the month, day and year of such erasing, and in the column headed "remarks" the words "stricken from the registry," adding against each such entry made in the column of "remarks" the initial letters of the name of the inspector making such entry, and through the name of every such person stricken from the registry, and then only,

Duty of inspector.

shall draw a line as indicative that such name is erased from the register of that election district.

7. They shall furnish the inspectors of election in each election district with the hereafter named election machinery: Shall furnish inspectors with election machinery.

(*a.*) A box of a size sufficient in their judgment to receive the ballots in the respective districts, and of such character and workmanship as will insure safety and fairness in elections.

(*b.*) Stamps which, when applied to tax receipts, on registration days, will produce the word "registered," the number of the district, and also the day and year of registering, in letters and figures; and when applied to tax receipts on election day will produce the word "voted," the number of the district, and also the day and year of voting, in letters and figures. Stamps when applied to tax receipt what to contain.

8. They shall hereafter appoint all inspectors of election and poll clerks for city elections in the city of Wilmington, and shall also make all necessary removals and transfers and fill all vacancies which from any cause may occur. Shall appoint inspectors and poll clerks.

9. They shall, in the month of April in each year in which a city election is held, select for each election district in said city, to serve as inspectors of elections, three persons, two of whom shall be of different political faith and opinion from their associates; *provided* that the total number of inspectors in each ward shall be divided as equally as possible between the different political parties, and those appointed to represent the party in political minority on State issues to be named solely by such member or members of the Department of Elections as is or are the representative or representatives of such political minority, who shall be citizens of the United States, and of the State of Delaware, of good character, able to read, write and speak the English language understandingly, qualified voters in the city of Wilmington, and not candidates for any office to be voted for by the electors of the district for which they shall be selected, and no person who shall have served as inspector at any registration shall be such candidate at the election for which such registration was held. Every person so selected by the Department of Elections as its choice to be an election inspector shall, on receipt of notice thereof, appear within ten days thereafter before the said department for the purpose of examination, and if found qualified shall, unless excused by said depart- Inspectors to be selected in April. Must be of different political faith. Proviso. Qualification. Persons chosen to present themselves for examination.

ment by reason of ill health or other good or sufficient cause, be bound to serve as such officer at every registration and city election for the term for which he is appointed by said department and shall take the following oath of office, which oath may be administered by any member of the Department of Elections:

Take oath of office.

Form of oath.

I, ———————— residing at No. ———————— in the city of Wilmington, do solemnly swear (or affirm) that I will support the Constitution of the United States, and of the State of Delaware, and that I will faithfully discharge the duties of the office of inspector of election for the ———————— election district of the ———————— ward of the city of Wilmington according to the best of my ability, and that I am a citizen of the United States and State of Delaware, a qualified voter in the city of Wilmington, and not a candidate for any office to be voted for by the electors of the district for which I am appointed an inspector.

Penalty for neglect to comply.

In case of refusal or neglect on the part of any person so selected to be an election inspector to comply with the above requirements, or to serve or to act, he shall be liable to a penalty of two hundred dollars, recoverable by said department by civil action in any court of record in the name of the "President of the Department of Elections of the city of Wilmington," and for the use and benefit of the city; and a failure on the part of any such person to present himself for examination, or to comply with any of the requirements of this act, preliminary to receiving his certificate of appointment, within the time prescribed, or to attend on the day of any registration, or the day of any city election during said term, unless prevented by sickness or other sufficient cause, the burden of proof of which shall be upon the delinquent, shall be deemed a refusal within the meaning of this act.

What shall be deemed a refusal.

Certificate to be given by the department.

Whoever shall be nominated, approved and sworn into office as an inspector of election shall receive a certificate of appointment from the Department of Elections, said certificate to be in such form as shall be prescribed by the said Department of Elections, and to specify the election district in and for which the person to whom the same is issued is appointed to serve and the date of the expiration of his term of office. The inspectors of election appointed under the provisions of this act in the year eighteen hundred and eighty-nine, and all such inspectors thereafter appointed under the provisions of this act, shall respectively hold office

Term of office.

for the term of two years, unless sooner removed for want of the requisite qualification or for cause; in either of which cases such removal, unless made while the inspector is actually on duty on a day of registration or election, and for improper conduct as an election officer, shall only be made after notice in writing to the officer sought to be removed, which notice shall set forth, clearly and distinctly, the reason for his removal. The neglect or refusal of any person so appointed by the Department of Elections to appear and qualify as an inspector within the time herein prescribed shall be deemed to create a vacancy in said office.

Removal.

What shall be deemed a vacancy.

10. They shall appoint as poll clerks two persons of different political faith and opinion on State issues and possessing the other qualifications required by this act of inspectors of election, who shall be in all respects similarly named, selected, notified, examined, appointed, commissioned and sworn as in this act required for the appointment of inspectors in and for such election district in the city of Wilmington. Said poll clerks shall hold office for the same period of time and upon the same conditions as are above prescribed for inspectors of election, and shall receive a like certificate of appointment. In case of refusal or neglect on the part of any person so selected to be a poll clerk to comply with the above requirements, or to serve, or to act, he shall be liable to a penalty of two hundred dollars, recoverable in the same manner and for the same use as the penalty above provided in case of a refusal or neglect on the part of an inspector of election.

Poll clerks.

Terms of office.

Whenever from any cause there shall exist a vacancy in the office of inspector of election or poll clerk, a person appointed to fill such vacancy shall be named by such member of said Department of Elections, or such of the members of said department, or his successors or their successors, as named the inspector or poll clerk in whose place any such person is designated. Inspectors of election and poll clerks appointed in pursuance of the provisions of this act shall be entitled to receive three dollars for each day's service at any registration or election, such compensation not to exceed in the aggregate the sum of nine dollars, and to be paid on the certificate of the President of the Department of Elections as to the period of service, but no payment shall be made to any person as inspector of election or poll clerk who shall not have taken, subscribed and filed the oath, or affirmation, required herein, and who shall not during the period of his

Vacancies in office of inspector or poll clerk, how filled.

Compensation, how paid.

service have fully complied with all the requirements of law in anywise relating to his duties, and the acting of any such person in either of said capacities without having taken, subscribed and filed the said oath, or affirmation, shall be deemed to be and punished as a misdemeanor. Inspectors of election and poll clerks, during the time they hold such office, shall be exempt from the performance of military and jury duty, and no person who by the law of this State is exempt from jury duty shall be required to serve as an inspector or poll clerk under this act.

Inspector and poll clerk exempt from military and jury duty.

Times of registration of qualified voters.

SEC. 9. There shall hereafter be a registration of the qualified voters in the City of Wilmington resident in each election district in the said city, at the times herein provided, and then only, to wit: on the third Saturday and on the second Saturday next preceding the day of each city election.

Times of meeting of the inspectors.

SEC. 10. The inspectors of election appointed pursuant to the provisions of this act shall, at the times in this act designated for registration, meet in their respective election districts at the places which, as provided in this act, shall be designated therein for such meeting, and at such time, in each election district, the said inspectors of election shall openly and publicly do and perform the following acts, viz:

Organization.

1. They shall organize as a board by selecting one of their number to act as chairman, but in case of failure to so organize within fifteen minutes after the time fixed for meeting, the chairman shall be selected by lot.

Applicants for registration to be received.

How qualified.

2. They shall receive the application for the registration of all such male residents of their several election districts, and such only, as then are or on the day of the election next following the day of making such application would be entitled to vote therein, and who shall personally present themselves each with his proper tax receipt.

Time of session.

3. They shall remain in session on each of said days between the hours of ten o'clock in the forenoon and half-past seven o'clock in the afternoon, and shall administer to all persons who personally apply to register [and who are challenged] the following oath or affirmation, viz:

Amended Chapter 218, Volume 19.

Form of oath.

You do solemnly swear (or affirm) that you will fully and truly answer all such questions as shall be put to you touching your place of residence, name, place of birth, your qualifications as an elector, and your right as such to register and vote under the laws of this State.

OF ELECTIONS.

4. They shall * * * examine each applicant as to his qualifications as an elector, and unless otherwise provided herein, shall each in a separate book immediately, and in the presence of the applicant, enter in the register to be made and furnished as provided in this act, the statements and facts below set forth and in the manner following, viz:

Amended Chapter 218, Volume 19.
Shall examine applicant.
Shall make entries of statement of facts.

First — Under the column "residence" the name and number of the street, avenue or other location of the dwelling, if there be a number, and if there shall not be a number, such clear and definite description of the place of said dwelling as shall enable it to be readily ascertained, fixed and determined, and if there shall be more than one house at the number given by the applicant as his place of residence, in which house he resides, and if there be more than one family residing in said house, either the floor on which he resides, (every floor below the level of the ground being designated as the basement, the first floor on or above such level as the first floor, and each floor above that as the second or such other floor as it may be) or the number, or location of the room or rooms occupied by the applicant, and whether front or rear.

Form of entry.

Second—Under the column "address" the name of the applicant, giving the surname and Christian name in full, but the names of all persons residing in the same dwelling to follow each other, and to be under the street and house number or other description as provided of the dwelling.

Third — Under the column "sworn" the word "yes or no," as the fact shall be.

Fourth—Under the column "nativity," the State, county, kingdom, empire or dominion, as the fact shall be stated by the applicant.

Fifth — Under the column of "color" the word "white or colored," as the fact shall be.

Sixth—Under the subdivision of the general column of "term of residence," the period by months or years stated by the applicant in response to the inquiries made for the purpose of ascertaining his qualification, and filling such column.

Seventh—Under the column of "naturalized," the word "yes or no" or "native," as the fact shall appear. "*Provided*, that if any applicant required by law to be naturalized

Amended Chapter 218, Volume 19. Naturalization papers.

shall, for any cause be unable to present his naturalization papers, he shall, upon satisfactory proof of his naturalization, be admitted to register and to vote."

Eighth—Under the column of "date of papers," the date of naturalization, if naturalized, as the same shall appear by the evidence of citizenship, submitted and presented by the applicant in compliance with the requirements of this act.

Ninth—Under the column of "court," the designation of the court in which, if naturalized, such naturalization was done, as the same shall appear by the evidence of citizenship submitted or presented by the applicant in compliance with the requirements of this act.

Tenth—Under the column "qualified voters," the word "yes or no," as the fact shall appear and be determined by at least two of the board of inspectors of election, it being, however, required of them to designate as qualified voters any male person who, being otherwise qualified under this act, except as to the payment of the county tax, shall at the day of the election immediately following be of age, but not having been of age a sufficient time to be assessed for the payment of such tax as required by this act.

Who to be designated qualified voters.

Eleventh—Under the column of "date of application," the month, day and year when the applicant presented himself and was adjudged a qualified voter in the election district.

5. The said inspectors shall immediately, upon entering the name of an applicant upon the registry as a qualified voter, stamp the tax receipt presented by him with the word "registered," the number of the district, and also the day and year of registering in letters and figures.

Shall stamp the tax receipt.

6. The said inspectors shall, in each election district in the city of Wilmington, at the close of each day of registration, in a place to be provided therefor in each of the registers required in this act, fill up, date, and each sign a certificate, which shall be either printed or written, and shall be in the words and figures following, to wit:

Inspectors shall sign a certificate.

"We, the undersigned inspectors of election in the ——— district of the ——————— ward of the city of Wilmington, do jointly and severally certify that at the registration of voters held in the election district on the ——— day of ——— in the year ——— there were registered by us as quali-

Form of certificate.

fied voters in the said election district the names which are entered in this book as of said day, and that the number of such registered and qualified voters was and is ———— ."

7. The said inspectors shall, in each election district on each day of any registration, before adjourning, enter in a book prepared for that purpose, which shall be known as a public copy of the registers, all such names and residences and all such data, information and statements as during the day have been entered by the inspectors of election in the registers provided in this act. And the whole four books shall, on each of said days after the completion of such copy of the registers, be carefully compared throughout, so that each of the registers and the copy thereof shall in every respect agree with each other and contain the name and residence of each person who shall have applied for registration, and the facts respecting him, as the same shall have been stated by him and entered in the registers as provided in this act. The said inspectors shall, on the last day of any registration, in every year in which a city election is held, certify the said copy in the same manner as if it were an original, and within forty-eight hours after their adjournment on said last day of such registration, shall leave it suspended in a place where such registration was conducted, where it shall be and remain until the day of the next city election, to the end that the same may be inspected and copied by any elector in said city, but on the day of such election the said inspectors shall take possession of said public copy, and the chairman shall closely retain the same throughout the said day, returning it to the Department of Elections as provided in this act for the return of the register kept by him, and and shall within the same time deliver to the Department of Elections, to be filed in their office, one of the registers made by them, and the other two registers in each election district shall be retained and carefully preserved by the inspectors; *Provided*, that the register made by the inspector who represents the party in political minority on State issues shall always remain in the possession and custody of such inspector or his successor in office (if such there be) until the next city election, for his use on that day.

Shall keep daily record of names and statements, and any information received

Books to be compared.

Shall certify to copy.

Copy of registers to remain to be inspected and copied by any elector.

Shall deliver one of the registers to the Department of Elections.

Inspectors to retain other lists. Proviso.

SEC. 11. The Department of Elections shall have the right and it shall be their duty to carefully examine and compare with each other the several registers required by Section 10 of this act to be filed in their office, and when it

Shall examine and compare registers.

shall appear by any data in their possession that any person has registered in more than one election district they shall, upon due inquiry, strike his name from the register of any or all election districts in which he is not a qualified voter, and to and against his name, under the column "why disqualified" in such register or registers, state the reason thereof, and shall, on the morning of the day of the next city election, between the hour of nine o'clock A. M. and the time prescribed for opening the polls, deliver to the inspectors in each election district, at the polling place therein, the register made by the inspector of such district, and so corrected by the Department of Elections, and it shall be the duty of the inspectors of each election district to be present at said polling place at or before the hour of nine o'clock A. M. and there remain until the polls are closed and their duties at such polling places are at an end, and after receipt of the corrected register from the Department of Elections, and before the hour of election, shall carefully compare it with the other registers and the public copy of the registers of said election district, and make them agree in all respects with said corrected register, so that at the hour of the election all three of the registers of each election district and the public copy thereof shall in all respects agree.

When name may be stricken from register

Duty of inspector to be present at each polling place,

Inspectors shall have the registers provided for in this act.

SEC. 12. The inspectors of election in each election district of the City of Wilmington shall, on the day of any city election therein, have with them at the polling place in said district the registers provided for in this act; they shall make use of one of said registers for guidance on said day, and no vote shall be received from any person whose name shall not be found by at least two of them to be upon at least two of the said registers as a qualified voter. The chairman of said inspectors in each election district shall, if present, and if absent, then one of the other inspectors shall, upon any person offering to vote, announce in a loud, clear and distinct manner the name of such person; and no ballot shall be received by either of the inspectors, or deposited in the ballot-box until at least two of said inspectors shall, as hereinabove provided, have examined and found the name and residence of such person, and have declared the same, and that such person is entered as a qualified voter; when, if the vote of the said person is received, each of the inspectors shall, in the register made by him, write in the appropriate column bearing the heading "voted," and opposite to the name and residence of such person, the word "yes," and

Voter's name to be announced by inspector

Each inspector shall in the register write the word "yes," in column "voted."

shall immediately stamp his tax receipt with the word "voted," the number of the election district, and also the day and year of voting in letters and figures. It shall be the duty of each of the inspectors to note on the said register in his possession, in a suitable and separate part thereof, the name and residence of each and every person, if any, whose vote shall be received in contravention of the provisions of this section, and the name of the inspector or inspectors, if any, who shall so receive or deposit in the ballot-box any such vote; and it shall further be the duty of each of the inspectors, immediately on the close of the polls on the day of election, to compare the said registers as kept by them as herein provided, and attach to them a certificate in writing that the same are correctly checked, and within forty-eight hours after the completion of the canvass of the votes cast in the election district in which they served each inspector shall leave his register at the office of the Department of Elections, whose duty it shall be to file and preserve the same as provided in this act; and in no election district in said city shall any inspector who has custody or charge of any of the registers in this chapter provided for ever permit said register to leave his possession (except it be the one filed in the Department of Elections, as provided in this act) from the time of receiving custody of the same until he shall file the same, as provided in this section, save in the event of his resignation or removal, and the appointment, as provided in this act, of his successor, when he shall promptly surrender and turn over the same to him.

Duty of inspector to note on register the name and residence of every person, illegal voters, inspectors,&c.

Further duty of inspectors.

Shall certify that the same is correctly checked.

Register shall be left with the Department of Elections.

Shall turn over register to his successor.

SEC. 13. Any person applying to register, or offering to vote, or who is registered, may on any day of registration or of election be challenged by any qualified voter in the city of Wilmington, and any one of the inspectors of election in any election district in said city may, at any such time or times, and one of them shall administer to any person so challenged the oath or oaths provided by law to test the qualification of challenged voters, and any one of said inspectors may on such day of registration or election administer to any applicant for registration the oath or oaths provided in this act to be administered to and taken by any such applicant, and may also administer to any person who may be offered as a witness to prove the qualification of any person claiming the right to be registered, or to vote, the following oath: You do swear (or affirm) that you will fully and truly answer all questions as shall be put to you touching

When persons offering to vote may be challenged.

Board may administer oath to person challenged.

Form of oath.

the place of residence and other qualifications as an elector of the person (name to be given) now claiming the right to be registered as a voter (or to vote, as the case may be) in this district.

Who may contest and challenge the right to be registered

SEC. 14. Any person who is a qualified voter in the city of Wilmington may, upon any day of registration or election, challenge and contest the right of any person to be registered in any election district or to vote at any poll in the said city, or may require the name of any registered person to be marked for challenge, and on any such day or days shall be entitled to be heard by the inspectors of election in any election district in relation to the correctness of their register.

Inspectors may hear contest.

Each political party may designate and keep a challenger.

SEC. 15. At every city election held in the city of Wilmington each political party shall have the right to designate the place and keep a challenger at each place of registration and voting, who shall be assigned such position immediately adjoining the inspectors of election, and upon the inside of the window, as will enable him to see each person as he offers to register or vote, and who shall be protected in the discharge of his duty by the inspectors of election and the police; each political party may remove any challenger appointed by it, and all vacancies which from any cause shall arise shall be filled by the same party power and authority as conferred the original appointment.

Challenger may be assigned a position.

Shall be protected.

Challenger may be removed.

Poll clerks shall keep a poll list.

SEC. 16. The poll clerks, at each poll in the city of Wilmington, shall each keep, in ink, a poll list in books to be prepared and furnished for that purpose, which shall contain a column headed "residence," a column headed "name of voter," and a column headed "remarks."

Form of poll books.

SEC. 17. The poll books referred to in the preceding section, shall be in form as follows:

ELECTION DISTRICT.

RESIDENCE.	NAME OF VOTER.	REMARKS.

OF ELECTIONS.

The residence of each elector voting shall be entered by each poll clerk in the column of his poll list headed "residence," and the name of such elector in the column headed "name of voter," and in the column of "remarks," opposite the name of each person challenged, shall be noted the oath or oaths offered and taken by any such person. Poll clerks shall keep name, &c., of each voter

SEC. 18. In each election district in the city of Wilmington, it shall be the duty of the inspectors of election immediately after the close of the polls on the day of any election, before proceeding with the canvass of the ballots in the box, and while the poll clerks are canvassing their books, to write in ink, opposite to and against the name of each person entered in their registers who is not shown by said registers to have voted, and in the column headed "voted," the word "no," so that column may be fully filled up; and the said inspectors shall then compare the said registers, make them agree, and ascertain the number of persons who by them are shown to have voted at that poll that day; and when they have made comparison and ascertained such fact the chairman of the board of inspectors, or in his absence the inspector acting as such, shall announce the same in a loud voice. Duty of inspectors. Result, how announced.

SEC. 19. As soon as the poll of an election shall have been finally closed, the inspectors of election in their several districts shall immediately, and at the place of the poll, proceed to canvass the votes. Such canvass shall be public, and shall not be adjourned or postponed until it shall have been fully completed, and the several statements hereinafter required to be made by the inspectors shall have been made out and signed by them. No vote shall be counted or canvassed in any election district unless three qualified voters in such election district, if so many claim that privilege, are allowed to be present and so near that they can see whether the duties of said inspectors are faithfully performed. Upon closing the polls the inspectors shall proceed to canvass the votes. Canvass shall not be adjourned. Who to witness canvass

SEC. 20. The canvass shall commence by a comparison of the poll lists from the commencement, and a correction of any mistakes that may be found thereon; and such comparison shall be continued until the poll lists agree as to the number of ballots deposited in the box; when they have been made to agree, one of the inspectors shall publicly announce in a loud voice the number of ballots deposited in the box as shown by the poll lists. How the canvass shall commence. Inspectors shall publicly announce ballots.

SEC. 21. The box shall then be opened and the ballots contained therein shall be taken out and counted, unopened,

Box shall be opened and ballots counted. For what purpose.

except so far as to ascertain that each ballot is single; if two or more ballots shall be found so folded together as to present the appearance of a single ballot they shall be destroyed, if the whole unmber of ballots exceed the whole number of votes as shown by the poll list and not otherwise.

How the board shall proceed to canvass the votes.

SEC. 22. The board shall then proceed to canvass the votes in the following manner: the said inspectors shall open the ballots and place those which contain the same names together, so that the several kinds shall be in separate piles or on separate files. One of the said inspectors shall then take the kind of ballots which appear to be the greatest in number, and count them by tens, carefully examining each name on each of said ballots. Such inspector shall then pass the ten ballots to the inspector sitting next to him, who shall count them in the same manner. The second inspector shall then call the names of the persons named in the ballots and the offices for which they are designated, and the poll clerks shall tally the votes for each of such persons. The third inspector shall watch the proceedings of the other inspectors and the poll clerks, and at his option may perform the same duties in respect to the canvass as are prescribed for the second inspector, or in case of the absence of a poll clerk may perform his duty. When the counting of each kind of ballots shall be completed, the poll clerks shall compare their tallies together and ascertain the total number of ballots of that kind so canvassed, and when they agree upon the number, one of them shall announce it in a loud voice to the inspectors; the kind of ballots which appear to be next greatest in number, and afterward each of the other kind of ballots in succession shall then be canvassed in the same manner. The ballots containing names partly from one kind of ballots and partly from another, being those usually called split tickets, and those from which the name of a person proper to be voted for on such ballots has been omitted, or erased, usually called scratched tickets, shall then be canvassed separately by one of the inspectors sitting between two of the other inspectors, which inspector shall call each name to the poll clerk, and the office for which it is designated, the other inspectors looking at the ballot at the same time, and the poll clerks making note of same; when all the ballots found in the box have been canvassed in this manner, the poll clerks shall compare their tallies together, and ascertain the total number of votes received by each candidate, and, when they agree upon the number, one of them shall an-

Inspector to pass the ballots.

Poll clerks shall tally the votes.

Third inspector to watch the proceedings of the other inspectors.

Duty of the poll clerks when canvass is completed.

Clerks shall announce what.

Scratched ballots how canvassed.

Total number how ascertained.

nounce in a loud voice to the inspectors the number of votes received by each candidate on each of the kind of ballots containing his name, and the total number of votes received by him. If after the ballots in any box have been opened or canvassed the whole number of them shall be found to exceed the whole number of votes required by the corresponding columns of the poll lists, the said inspectors shall return all the ballots in the box, and shall thoroughly mingle the same, and one of the inspectors, to be designated by the board, shall, without seeing the same, and with his back to the box, publicly draw out of such box so many of such ballots as shall be equal to the excess, which shall be forthwith destroyed, but if the ballots have been canvassed the votes for the person named therein shall be first deducted from the votes entered for such person on the tallies.

Proceedings when votes shall exceed the votes of poll lists.

SEC. 23. The canvass of the ballots found in any box shall be completed by ascertaining how many ballots of the same kind, corresponding in respect to the names of the persons thereon and the office for which they are designated, have been received; and the result being found the said inspectors shall securely paste or attach to each statement of such canvass hereinafter directed to be made one ballot of each kind found to have been given for the officer to be chosen at such election; and they shall state, in words at full length, immediately opposite such ballot, and written partly on such ballot, and partly on the paper to which it shall be pasted or attached, the whole number of all the ballots that were received which correspond with the one so pasted or attached, so that one of each kind of the ballots received at such election for the officers then to be chosen shall be pasted or attached to such statement of such canvass. If only one ballot of any kind shall be found in the box, it shall be pasted or attached to the statement to be delivered to the Department of Elections, and if only two ballots of any kind are found in the box, one shall be pasted or attached to the statement to be delivered to the Department of Elections, and the other to be delivered to the Clerk of the City Council of Wilmington. They shall also paste or attach all the ballots rejected by them as being defective in whole or in part to the statement to be delivered to the said Department of Elections.

Canvass of the ballots, how ascertained.

Ballot to be pasted to statement.

Shall paste defective ballots to statement.

SEC. 24. When the canvass of the ballots found in the box shall have been completed, and the poll clerk shall have announced to the inspector the total number of votes received by each candidate, the Chairman of the board of in-

Chairman shall announce number of votes received.

spectors of election, or in his absence the inspector acting as such, shall proclaim in a loud voice the total number of votes received by each of the persons voted for upon the ballots found in the box and the office for which they are designated, and such proclamation shall be *prima facia* evidence of the result of the canvass of such ballots.

Inspectors shall make triplicate statements. What to contain.

SEC. 25. The inspectors of election in each election district shall make triplicate statements of the result of the canvass and estimate of the votes. Each of the statements shall contain a caption stating the day on which such election was held, the number of the election district in relation to which such statement shall be made, and the time of opening and closing the polls of such election district. It shall also contain a statement showing the whole number of votes given for each person, designating the office for which they were given, which statement shall be written, or partly written, and partly printed in words at length, and at the end thereof a certificate that such statement is correct in all respects, which certificates, and each sheet of paper forming part of the statement, shall be subscribed by the said inspectors and poll clerks. If any inspector or poll clerk shall decline to sign any return, he shall state his reason therefor in writing, and a copy thereof, signed by him, shall be enclosed with each return. Each of the statements shall be enclosed in an envelope which shall then be securely sealed with wax, and each of the inspectors and each of the poll clerks shall write his name across every fold, at which the envelope, if unfastened, could be opened, and across the seal thereon. One of the envelopes shall be directed on the outside to the Clerk of the City Council of Wilmington, another to the Mayor, and the third to the Department of Elections. Each set of tallies shall also be enclosed, securely sealed, and signed in like manner, and one of the envelopes shall be directed on the outside to the Department of Elections, and the other to the Clerk of the City Council of Wilmington. On the outside of every envelope shall be endorsed whether it contains the statement or the tallies and for what election district.

Certificates to be subscribed by inspectors.

If inspector decline to sign return he shall state his reason.

Statement, how sealed.

To whom direcred.

Time inspector shall make statement, and to whom.

SEC. 26. At or before the hour of ten o'clock in the forenoon, on the first Monday after the city election, one of the said inspectors in each election district shall deliver to the Department of Elections, at its office, the statement directed to it; another inspector shall deliver to the Clerk of the City Council the statement directed to him, and the third inspec-

tor shall deliver to the Mayor the statement directed to him. One of the poll clerks shall deliver to the Department of Elections the tally directed to it, and the other poll clerk shall deliver to the Clerk of the City Council the tally directed to him. And it shall be the duty of the Department of Elections, and its clerk, and of the clerk of the City Council and of the Mayor, to be present in their respective offices from the time of closing polls until twelve o'clock midnight of the day of the election, and from the hour of eight o'clock to the hour of ten o'clock in the forenoon of the first Monday after the election. In case, for any cause, the Clerk of Council shall fail to attend at such time and place, the President of Council shall attend and receive, take charge of, and safely keep said statements and tallies until delivered to the Clerk of Council, or to the Council at their next stated meeting; and if, for any cause, the Mayor shall fail to attend at such time and place, the statement shall be delivered to the City Judge of the Municipal Court for the City of Wilmington at the City Hall, who shall take charge of and safely keep said statements until delivered to the Mayor.

Poll clerk shall deliver to whom.

Statements and tallies to be kept.

SEC. 27. The poll lists kept at such election shall be certified in writing by both poll clerks to be a true and correct list of the votes cast at the said election in their respective election districts, and at or before the hour of ten o'clock in the forenoon of the first Monday after the city election, shall be filed by such poll clerks, the one in the office of the Departments of Elections and the other in the office of the Clerk of the City Council of Wilmington.

Poll lists to be certified.

When filed.

SEC. 28. The remaining ballots not so pasted or attached to said statements, as hereinbefore provided, shall be destroyed, and the board of inspectors shall be dissolved.

Ballots to be destroyed.

SEC. 29. In case any officer to whom any of the papers in the preceding sections are directed to be delivered shall be absent from his office, the same may be delivered to the person authorized in such case to attend to his official duty, and the officer or person to whom any envelope containing any statement or tally, or to whom any register or copy thereof or poll list shall be delivered, as in this act provided, shall give a receipt therefor to the inspector or poll clerk from whom the same is received, and such receipt shall be filed by said inspector or poll clerk in the office of the City Auditor of the city of Wilmington before any payment for his services shall be made.

In case of absence of officers, to whom papers are to be delivered.

Shall give a receipt.

OF ELECTIONS.

Time of declaring and certifying the result.

SEC. 30. The members of the Department of Elections shall, on the first Monday following each city election, at the hour of twelve o'clock, noon, meet in public session at the City Hall in said city of Wilmington and canvass, declare and certify the result of such election. The envelopes delivered to said Department of Elections, as provided by this act, shall then, and not till then, be opened by the presiding officer of said department at such session, who shall mark each separate sheet of the statement with the initials of his name, and proclaim and declare the persons elected, and before adjourning, the members of said department shall make two certificates, in writing, under their hands, or the hands of a majority of them, showing the state of the vote for Mayor, President of Council, members of Council, Assessors and Collectors, City Treasurer, and for any and all other city officers for whom votes shall have been cast (when they or any of them shall have been voted for according to law) setting forth particularly the name of every person voted for for said offices respectively, and the number of votes cast for each, and shall seal up each of said certificates separately in a paper with an endorsement thereon, describing the certificate enclosed, and the president, or other presiding officer of the Department of Elections, shall, either personally or by person deputed by him, on the first Tuesday following the election as aforesaid, between the hours of ten o'clock in the forenoon and twelve o'clock noon, deliver and lodge one of said certificates in the office of the Clerk of the City Council of Wilmington, and the other in the office of the Mayor of said city, and it shall be the duty of the Clerk of said Council and the Mayor of said city, each either in person or by deputy, to be present in their said offices respectively, at such time to receive the same.

Envelopes, when to be opened.

Certificates to be made. What to contain.

Certificates to whom delivered.

Duty of the Clerk of Council.

Duty of the Department of Elections.

It shall also be the duty of the Department of Elections, or a majority of the members thereof, before the adjournment of said public session, on the first Monday following each city election, to make a certificate in writing signed by them for each person who has been proclaimed and declared to be elected at said election, which certificate shall be in the following form, viz:

Certificate.

WILMINGTON, DEL., June —, 19—.

To ——— ———

The undersigned members of the Department of Elections do hereby certify that you have been duly proclaimed and

declared by said department to have been elected at the city election held on the ——— day of ——— 18—, to the office of ———.

Said department shall forthwith cause said certificate either to be delivered personally to the person so proclaimed and declared to have been elected, or to be mailed to his usual post-office address. Said certificate shall be *prima facie* evidence of the right of the person to whom it is addressed to hold the office therein mentioned.

Certificate to be delivered.

Evidence.

SEC. 31. And the Council of said city, at its meeting for organization on the first day of July next ensuing the city election, or if that day falls on a Sunday, then on the Monday following, shall examine the certificates so delivered to the Clerk of City Council as aforesaid, and if there be no choice for Mayor, President of Council, City Treasurer, Assessor and Collector, or for member of Council in any of the wards, or any other city officer for whom votes shall have been cast, by reason of two or more candidates having an equal and the highest number of votes for any said offices, the Council shall proceed to elect one of said candidates for such office for which he is a candidate.

Council shall examine the certificates.

Council shall elect.

SEC. 32. If any candidate for any of the offices before mentioned shall choose to contest the right of any person claiming to have been elected to such office, such candidate shall, within thirty days next after such election, cause to be presented to the said Council of Wilmington his petition, in writing, setting forth particularly the grounds and specifications upon which said election is contested, together with an affidavit that such petition is not for the purpose of vexation and delay, but that he does verily believe that he has just grounds for contesting such election, and shall also at the same time cause to be delivered to the person whose election is contested a true copy of such petition. Upon the filing of such petition and affidavit, the Council shall appoint a day, not less than ten nor more than fifteen days from the time of filing such petition and affidavit, for hearing and determining the same, giving public notice thereof in two newspapers published in the city of Wilmington, if so many be published at that time, and upon the day appointed for such a hearing the said City Council shall sit in the City Hall, in the presence of such citizens and others as many choose to be present, shall hear the allegations and proofs of

In case of contest petition shall be presented.

What petition shall set forth.

True copy of petition to be delivered.

Council shall give notice.

Evidence shall be confined to the grounds and specifications.

Council may issue subpœnas for persons and papers, &c.

the party, and shall determine according to the very right of the matter. Evidence shall be confined to the grounds and specifications set forth in the petition. The Council shall have power to issue subpœnas, signed by the President of Council for the time being, and attested by the clerk, for persons and papers, (including all poll lists, tally lists, statements and certificates delivered to the Department of Election, Clerk of Council, Mayor of the city, or any of them) to administer oaths and affirmations, to examine witnesses, and to do all other things requisite to arrive at a full and perfect knowledge as to the right of the case. The decision of the Council, signed by its officers, shall be published in two newspapers printed in the city of Wilmington, if so many be published at that time, and shall be final and conclusive.

In case inspector is absent, place how filled.

SEC. 33. If at the time for opening any city election the inspectors, or a majority of them, be not present at the place of election, the voters there may, without ballot, by plurality, choose a person to supply the place of every such absent inspector. But the inspector or inspectors so chosen shall be of the same political faith and opinion as the person or persons for whose place or places he or they may be chosen to fill; and if, at the time aforesaid, either or both of the poll clerks be not present at the place of election, the inspectors shall choose a person or persons to fill the place or places of such absent clerk or clerks; *provided* the person or persons so chosen shall be of the same political faith and opinion as the person or persons for whose place or places he or they may be chosen to fill. When any person shall be chosen to fill the place of an absent inspector or poll clerk, he shall, before entering upon his duties, take and subscribe the oath as provided in Section 8 of this act, and a blank form of said oath shall be printed or written in the back of the register provided to be furnished to the inspectors of election under this act. The failure of an election officer appointed by the Department of Elections to appear and enter upon the performance of his duties at the time or times prescribed in this act for any registration or election shall constitute a vacancy, and the person or persons selected under the provisions of this act to fill any or all such vacancies shall hold office for the unexpired term or terms of his or their predecessors, under and subject to all the provisions of this act respecting the same.

Proviso.

Oath of person elected to fill place of election officer.

What shall constitute a vacancy.

SEC. 34. Every ballot box shall be so placed at a window,

or elsewhere, that the voters depositing any ballot, and each challenger, may conveniently see every ballot received by the inspectors and deposited in the ballot-box. No screen or other obstruction to such view of any ballot-box by the voter, or any challenger, shall be allowed. Ballot box, how placed. No obstruction allowed.

SEC. 35. The said Department of Election may rent some suitable and convenient place in the said city of Wilmington, and fit up the same for an office for the use of the said Department of Elections at a yearly rental not to exceed three hundred dollars. Department shall rent a room.

SEC. 36. All data and statistics, and all registers, poll books, and records of every kind and nature, which under this act, or under any laws of this state, or which in compliance with any direction, resolution, or order of the said Department of Elections are or may be required to be made, ascertained or kept by or returned to, or filed with the said Department of Elections, shall at all times, during office hours, be open to the inspection, examination, comparison and copying of any citizen or elector, free of any charge whatever. All data, statistics, &c., to be open to inspection.

SEC. 37. No person who is registered in one election district shall register or cause himself to be registered in another district. Can register in but one district.

SEC. 38. For all power and authority and duties in this act prescribed for and conferred upon, and all actions required by inspectors of election, or a board of said inspectors of election, save where such authority or actions is specifically allowed to any of said inspectors, the concurrence or assent of a majority of all the inspectors of election in any election district must in all cases be obtained. Assent of a majority of inspectors shall in certain cases be obtained.

SEC. 39. No person shall be required to serve as an inspector of election under this act at any election district in the city of Wilmington for two successive terms. Shall not be required to serve for a succeeding year.

SEC. 40. The several inspectors of election and poll clerks in this act named and created, are and shall be in all courts and proceedings deemed and held respectively to be election officers, and it shall be the duty of the said inspectors of election and poll clerks, respectively, or a majority of said inspectors, to be in constant attendance during the hours and time fixed for the discharge of their several duties. What officers shall be deemed and held to be election officers. Inspectors or clerks to be in attendance.

OF ELECTIONS.

Inspector, clerk, or challenger, shall make a thorough canvass of his district, and to make full inquiry, &c.

SEC. 41. Any inspector of election, poll clerk, or any challenger appointed in compliance with the provisions of this act shall, at any time between the first day of registration, as required by this act, preceding the city election in each year, and ten days after the official declaration and certificate of the result of any such election by the Department of Elections as in this act provided, have full power and authority to make a thorough and effective canvass of the election district in and for which he has been or was designated to serve and act upon any day of registration or election, and to make full inquiry respecting any and every resident of any dwelling, building, or any other place of abode in any such election district, his age, term of residence, and qualifications as a voter, but the power and authority by this section conferred upon any inspector of election, poll clerk, or challenger, shall wholly cease upon his resignation or removal from the office or position to which he was appointed or for which he was designated.

Inspectors shall have power to preserve order, &c.

SEC. 42. The inspectors of election in each election district of the city of Wilmington, while discharging any of the duties imposed upon them by this act, shall have full authority to preserve order and enforce obedience to their lawful commands at and around the place of registration or election during the time of any registration, election, or canvass, estimate, or return of votes; to keep the access to such places open and unobstructed, to prevent and suppress riots, tumult, violence, disorder, and all other improper practices tending to the intimidation or obstruction of voters, the disturbance or interruption of the work of registration or voting, or the canvass estimate, or return of votes, and to protect the voters and challengers from intimidation and violence; and the register, poll books, boxes and ballots from violence and fraud, and to appoint, or deputize if necessary, one or more electors to communicate their orders and directions and to assist in the enforcement thereof.

Cost and expenses a city charge.

SEC. 43. The legal compensation of all members of the Department of Elections, inspectors of elections, poll clerks and other officers of election, the cost and expenses of all necessary election notices, posters, maps, advertisements, registers, books, blanks and stationery, the rent and cost of fitting up, warming, lighting, cleaning and safe keeping of all places of registration and polling places; of furnishing, repairing and carting ballot boxes, and all supplies of every

kind and nature for city elections in the city of Wilmington, shall be a city charge, and shall, upon proper certificates and vouchers, be paid in the same manner as by law provided for the payment of other expenses of the said city of Wilmington. The City Council of the said city of Wilmington shall yearly levy upon the estates, real and personal, of the said city of Wilmington, the amount estimated to be required to pay the expenses of registration and of all city elections which may be held in the said city during the year, and all other expenses incurred by virtue of the provisions of this act.

How paid.

City Council shall levy the estimated amount necessary to pay expenses of registration.

SEC. 44. It shall be the duty of the city surveyor of the city of Wilmington to furnish to the Department of Elections, upon their request, a map, or maps of the several wards of said city, or any and all portions thereof.

Duty of city surveyor.

SEC. 45. Hereafter it shall not be lawful for any of the authorities, officers, or agents of the city government of the city of Wilmington to number or re-number any street, avenue, alley, lane, road or way in said city of Wilmington, or to anywise change or alter any such number save between the first day of July and the last day of December of any year.

Unlawful for the agents of the city government to number streets, &c.

SEC. 46. It shall be unlawful for any inspector of election, poll clerk, or challenger, during the election or canvass of ballots, to have or keep any ballots behind the boxes, or within the polling place, or for them or any person or persons within the polling place to electioneer, distribute tickets or ballots, or engage in any political discussion. Any violation of this section shall be a misdemeanor, and shall be punished by imprisonment in the county jail for not more than ninety days, or by fine not more than two hundred dollars, or both.

Unlawful for inspector, poll clerk, or challenger, to keep ballots behind the boxes, &c., or in the polling place to distribute tickets, &c.

Penalty.

SEC. 47. Whoever, during the sitting of any board of inspectors of election in any election district in the city of Wilmington, whether held for the purpose of registration, reception or canvass of votes, or of making return thereof, shall bring, take, order, or send into, or shall cause to be taken, brought, ordered or sent into, or shall attempt to bring, take or send into any place of registration or election, any distilled or spirituous liquors whatever, or shall at any such time and place, drink or partake of any such liquor, shall be deemed and held to be guilty of a misdemeanor, and

Shall not bring, take or send into any place of registration liquors.

Penalty. shall be punished by imprisonment in the county jail for not more than ninety days, or by a fine not more than one hundred dollars, or both.

Unlawful to falsify, personate or attempt to register or do any act to secure an unlawful registration.

SEC. 48. If at any registration of voters, or at any meeting of inspectors of election held for such purpose as provided in this act, any person shall falsely personate an elector or other person and register, or attempt or offer to register in the name of such elector or other person, or if any person shall knowingly or fraudulently register, or offer, or attempt, or make application to register in or under the name of any other person, or in or under any false, assumed or fictitious name, or in or under any name not his own; or shall knowingly or fraudulently register in two election districts, or having registered in one district shall fraudulently attempt or offer to register in another, or shall fraudulently register, or attempt, or offer to register in any election district, not having a lawful right to register therein, or shall knowingly or willfully do any unlawful act to secure registration for himself or any other person, or shall knowingly, willfully or fraudulently, by false personation or otherwise, or by any unlawful means, procure or attempt to cause or procure the name of any qualified voter in any election district to be erased or stricken from any register of the voters of such district made in pursuance of this act, or otherwise than is in this act provided; or by force, threat, menace, intimidation, bribery, reward, or offer, or promise thereof, or unlawful means, prevent, hinder or delay any person having a lawful right to register or to be registered from duly exercising such right, or who shall knowingly, willfully or fraudulently compel or induce, or attempt, or offer to compel, or induce by such means, or any unlawful means, any inspector of election or officer of registration in any election district to register or admit to registration any person not lawfully entitled to registration in such district, or to register any false, assumed or fictitious name, or any name of any person except as provided in this act, or shall knowingly or willfully, or fraudulently interfere with, hinder, or delay any inspector of election or other officer of registration in the discharge of his duties, or counsel, advise or induce, or attempt to induce any such inspector or other officer to refuse or neglect to comply with, or to perform his duties, or to violate any law prescribing or regulating the same, or shall aid, counsel, procure or advise any voter, person, inspector of election, or other officer of registration to do any act by law forbidden or in

Unlawful to prevent, hinder or delay persons from registering, or to induce or compel inspector or officer to register persons not entitled to register.

this act constituted an offense, or to omit to do any act by law directed to be done, every such person shall, upon conviction thereof be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county jail not more than two years, or by fine not more than two hundred dollars, or both. Penalty.

SEC. 49. If at any election hereafter held in the city of Wilmington, any person shall falsely personate any elector or other person, and vote or attempt or offer to vote in or upon the name of such elector or other person, or shall vote or attempt to vote in or upon the name of any other person, whether living or dead, or in or upon any false, assumed or fictitious name, or in or upon any name not his own, or shall knowingly, willfully or fraudulently vote more than once for any candidate for the same office, or shall vote or attempt or offer to vote in any election district without having a lawful right to vote therein, or vote more than once or vote in more than one election district, or having once voted, shall vote or attempt or offer to vote again, or shall knowingly, willfully or fraudulently do any unlawful act to secure an opportunity for himself or for any other person to vote, or shall by force, threat, menace, intimidation, bribery or reward or offer or promise thereof, or otherwise unlawfully, either directly or indirectly, influence or attempt to influence any elector in giving his vote, or prevent or hinder, or attempt to prevent or hinder any qualified voter from freely exercising the rights of suffrage, or by any such means induce or attempt to induce any such voter to refuse to exercise any such right, or shall by any such means or otherwise compel or induce or attempt to compel or induce any inspector of election, or other officer of election in any election district, to receive the vote of any person not legally qualified or entitled to vote at the said election in such district, or shall knowingly, willfully or fraudulently interfere with, delay or hinder in any manner any inspector of election, poll clerk or other officer of election in the discharge of his duty, or by any of such means or other unlawful means knowingly, willfully or fraudulently counsel, advise, induce or attempt to induce any inspector of election, poll clerk or other officer of election whose duty it is to ascertain, proclaim, announce or declare the result of any such election or to give or make any certificate, document, report, return or other evidence in relation thereto, to refuse or neglect to comply with his duty or to violate any law regulating the same, or to receive the vote

Unlawful for persons to personate an elector.

Unlawful to attempt or offer to vote unless legally qualified.

Unlawful to interfere with inspector or clerk in any manner.

of any person in any election district not entitled to vote therein, or to refuse to receive the vote of any person entitled to vote therein, or shall aid, counsel or advise, procure or assist any voter, person or inspector of election or other officer of election, to do any act by law forbidden or in this act constituted an offense, or to omit to do any act by law directed to be done, every such person shall, upon conviction thereof, be adjudged guilty of a misdemeanor, and shall be pnnished for each and every such offense by imprisonment in the county jail for not more than two years, or by a fine not more than two hundred dollars, or both.

Penalty.

Unlawful for clerk or inspector to keep a false poll list.

SEC. 50. If any poll clerk, or any inspector of election performing the duty of poll clerk, shall willfully keep a false poll list, or shall knowingly insert in his poll list any false statement, or any name or statement, or any check, letter or mark, except as in this act provided, he shall upon conviction thereof be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for not more than two years, or by a fine of not more than two hundred dollars, or both.

Misdemeanor.

Unlawful for inspector knowingly to exclude a vote duly tendered or to receive a vote duly challenged, &c.

SEC. 51. Every inspector of election who shall willfully exclude any vote duly tendered, knowing that the person offering the same is lawfully entitled to vote at such election, or shall willfully receive a vote from any person who has been duly challenged in relation to his right to vote at such election without exacting from such person such oath or other proof of qualification as may be required by law, or who shall willfully omit to challenge any person offering to vote whom he knows or suspects not to be entitled to vote, and who has not been challenged by any other person, shall, upon conviction thereof be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for not more than two years, or by a fine of not more than two hundred dollars, or both.

Misdemeanor.

Officer making false canvass, false return, or false certificate, guilty of a misdemeanor.

SEC. 52. Every inspector of election, member of the Department of Elections, poll clerk or other officer authorized to take part in or perform any duty in relation to any canvass or official statement of the votes cast at any election, who shall willfully make any false canvass of such votes, or who shall make, sign, publish or deliver any false return of such election, or any false certificate or statement of the result of such election, knowing the same to be false, or who shall willfully deface, destroy or conceal any statement or certifi-

cate entrusted to his care or custody, shall, on conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county jail not more than two years, or by a fine of not more than two hundred dollars, or both.

Persons who shall knowingly put or cause any ballot to be placed in the box unless offered by elector, guilty of a misdemeanor.

SEC. 53. If any person other than an inspector of election shall, at any such election, knowingly and willfully put, or cause to be put, any ballot or ballots or other paper having the semblance thereof into any box used at such election for the reception of votes, or if any such inspector shall, knowingly and willfully, cause or permit any ballot to be in said box at the opening of the polls and before voting shall have commenced, or shall, knowingly and willfully or fraudulently, put any ballot or other paper having the semblance thereof into any such box at any such election, unless the same shall be offered by an elector, and his name shall have been found and checked upon the registers as hereinbefore provided, or if any such inspector or other officer or person shall fraudulently, before, during or after the canvass of ballots, in any manner change, substitute or alter any ballot, or shall remove any ballot or semblance thereof from, or add any ballot or semblance thereof to the ballots found in any box upon the closing of the polls, every such person shall, upon conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for not more than two years, or by a fine of not more than two hundred dollars, or both.

Penalty.

Penalty for persons guilty of neglect of duty.

SEC. 54. If any member of the Department of Elections, inspector of election, poll clerk, or other officer of registration, election or canvass, of whom any duty is required in this act or by the general election laws of this State (so far as the same are consistent with the provisions of this act), shall be guilty of any willful neglect of such duty, or of any corrupt or fraudulent conduct or practice in the execution of the same, he shall, on conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for not more than two years, or by a fine of not more than two hundred dollars, or both.

SEC. 55. Every inspector of election, poll clerk or other officer or person having the custody of any record, register of votes, or copy thereof, oath, return of votes, certificate, poll lists, or any paper, document or evidence of any descrip-

Persons having custody of records, &c., who shall mutilate, deface or destroy or alter the same guilty of a misdemeanor.

Penalty.

tion in this act directed to be made, filed or preserved, who is guilty of stealing, willfully destroying, mutilating, defacing, falsifying or fraudulently removing or secreting the whole or any part thereof, or who shall fraudulently make any entry, erasure or alteration therein, except as allowed and directed by the provisions of this act, or who permits any other person so to do, shall upon conviction thereof be adjudged guilty of a misdemeanor, and shall be punished for each and every offense by imprisonment in the county jail not exceeding two years, or pay a fine of not more than two hundred dollars, or both.

SEC. 56. Every person not an officer, such as is mentioned in the last preceding section, who is guilty of any of the acts specified in said section, or who advises, procures or abets the commission of the same, or any of them, shall, upon conviction thereof be adjudged guilty of a misdemeanor, and for each and every such offense shall be punished by imprisonment in the county jail not exceeding two years, or by a fine not more than two hundred dollars, or both.

Persons swearing or affirming falsely, guilty of perjury.

SEC. 57. Any person who shall be convicted of willful and corrupt false swearing or affirming in taking any oath or affirmation prescribed by or upon any examination provided for in this act, shall be adjudged guilty of willful and corrupt perjury.

Any person who shall advise or induce persons to swear falsely subject to same punishment as in cases of perjury.

SEC. 58. Every person who shall willfully and corruptly instigate, advise, induce or procure any person to swear or affirm falsely, as aforesaid, or attempt or offer so to do, shall be adjudged guilty of subornation of perjury, and shall, upon conviction thereof, suffer the punishment directed by law in cases of willful and corrupt perjury.

Unlawful to fraudulently alter the ballot of an elector.

SEC. 59. If any person shall fraudulently change or alter the ballot of any elector, or substitute one ballot for another, or fraudulently furnish any elector with a ballot containing more than the proper number of names, or shall intentionally practice any fraud upon any elector to induce him to deposit a ballot as his vote and to have the same thrown out and not counted, or to have the same counted for a person or candidate other than the person or candidate for whom such elector intended to vote, or otherwise defraud him of his vote, every such person shall, on conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished by

Misdemeanor.

imprisonment in the county jail for not more than two years, or by a fine of not more than two hundred dollars, or both. Penalty.

SEC. 60. If any person shall willfully disobey any lawful command of any inspector of election, or of any board of inspectors of elections, given in the execution of his or their duty as such at any election, he shall, upon conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for not more than one year, or by a fine of not more than two hundred dollars, or both. Person disobeying command of inspector. Misdemeanor.

SEC. 61. If at any registration of voters, or on any day of election, or during the canvass of the votes cast thereat, any person shall cause any breach of the peace, or use any violence, or threats of violence, whereby any such registration, election, or canvass shall be impeded or hindered, or whereby the lawful proceedings of any inspector of election, or board of inspectors of election, or poll clerk, or other officer of such election, or challenger, as hereinbefore provided, are interfered with, every such person shall, upon conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for not more than two years, or by a fine of not more than two hundred dollars, or both. Penalty for breach of the peace, &c., whereby proceedings are impeded.

SEC. 62. If any person shall, knowingly or willfully, obstruct, hinder, assault, or by bribery, solicitation, or otherwise interfere with any inspector of election, poll clerk or challenger in the performance of any duty required of him, or which he may by law be authorized or permitted to perform, or if any person by any other means before mentioned or otherwise unlawfully shall, on the day of registration or election, hinder or prevent any inspector of election, poll clerk, or challenger, in his free attendance and presence at the place of registration or of election, in the election district in and for which he is appointed or designated to serve, or in his full and free access and egress to and from any such place of registration or of election, or to and from any room where any such registration or election or canvass of votes, or of making any returns or certificates thereof may be had, or shall molest, interfere with, remove or eject from any such place of registration, or poll of election, or of canvassing ballots cast thereat, or of making the returns or certificates thereof, any such inspector of election, poll clerk or challenger, or shall unlawfully threaten, or attempt, or offer to so Persons obstructing, hindering or assaulting inspector or other officers guilty of a misdemeanor.

do, every such person shall be guilty of a misdemeanor, and on conviction thereof shall be imprisoned in the county jail for not more than two years, or by a fine of not more than two hundred dollars, or both.

Penalty.

Penalty for neglect to exercise the powers conferred.

SEC. 63. Any inspector of election who shall willfully neglect, or when called on, shall willfully decline to exercise the powers conferred on him in this act, for any of the purposes set forth in Section 42 of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment in the county jail for not more than one year, or by a fine of not more than two hundred dollars, or both.

Unlawful to steal or break open ballot box.

SEC. 64. If any person shall, upon the day of any such election, or before the canvass of votes is completed, steal or willfully break or destroy any ballot-box used or intended to be used at such election, or shall willfully or fraudulently conceal, secrete or remove any such box from the custody of the inspectors of election, or shall alter, deface, injure, destroy or cancel any ballot which has been deposited in any

Unlawful to deface ballots.

ballot-box at such election which has not been already counted and canvassed, or any poll list used or intended to be used at such election, or any report, return, certificate, or other evidence in this act required or provided for, shall, on conviction thereof, be adjudged guilty of a misdemeanor, and shall for each and every such offense be punished by imprisonment in the county jail for not more than two years, or by a fine of not more than two hundred dollars, or both.

Unlawful for inspector or clerk to admit any person to registration, &c., except by consent of the majority of inspectors

SEC. 65. If in any election district in any registration of voters, or at any city election hereafter held in the city of Wilmington, any inspector of election or poll clerk shall knowingly or willfully admit any person to registration, or mark any entry upon any register of voters or poll books, or receive any vote, or proceed with a canvass of ballots, or shall consent thereto, unless a majority of the inspectors of election in said election district are present and concur, he shall, upon conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for not more than sixty days, or by a fine of not more than one hundred dollars, or both.

Irregularities no defense.

SEC. 66. Irregularities or defects in the mode of noticing, canvassing, polling or conducting any election au-

thorized by this act shall constitute no defense to a prosecution for a violation of the provisions of this act.

SEC. 67. Upon any prosecution for procuring, offering or casting an illegal vote, the accused may give in evidence any fact tending to show that he honestly believed, upon good reason, that the vote complained of was a lawful one; and the jury may take such facts into consideration in determining whether the acts complained of were fully done or not. Evidence.

SEC. 68. It is hereby made the special duty of the Attorney-General of the State of Delaware to immediattly prosecute all complaints which may be made of a violation of any of the provisions of this act to final judgment; and it shall be the duty of the Department of Elections to notify the said Attorney-General of all violations under this act. Duty of the Attorney-General.

SEC. 69. That all laws, or parts of laws heretofore passed, inconsistent with any of the provisions of this act, be and the same are hereby repealed. Inconsistent laws repealed.

SEC. 70. This act shall take effect from its passage with this proviso, that the next city election in the city of Wilmington, in the month of June, in the year eighteen hundred and eighty-seven, shall be held in accordance with the present existing laws, and none of the provisions of this act shall apply thereto. Time of taking effect

* * * * * * * * * * *

ASSESSORS AND COLLECTORS.

SEC. 77. There shall be elected, at the city election in the year 1889, and in every second year thereafter, two Assessors and Collectors for the city of Wilmington, for the term of two years each, one of whom shall reside in and be voted for and elected in and for that portion of the city north of Sixth street, and the other one in and for that portion of the city which lies south of Sixth street. Whenever a street is named as a boundary in this section, the centre thereof shall be understood. The Assessors shall be also the Collectors of the city for their respective districts, and as such shall give bonds as provided in Section 97 of this act. A failure to elect by reason of two or more persons voted for for the office of Assessor and Collector, having a legal and at the same time the highest number of votes for such office, shall be deemed a failure to hold an election as to such officer, and thereupon the City Council at its next meeting shall elect such officer. Chapter 207, Volume 17, amended by Chapter 660, Volume 18. Election of assessors and collectors. Residence. Bonds. In case of tie, City Council to elect.

OF ELECTIONS.

Freehold qualification

SEC. 78. No person shall be elected an Assessor and Collector, as aforesaid, who shall not have been, for at least six months before his election, the owner of a freehold estate within the said city, the value of which, according to the city assessment made next before his election, shall be at least five hundred dollars clear of all incumbrances.

OFFICE OF SECRETARY OF STATE,
DOVER, January 1st, 1892.

In obedience to the directions of Chapter 370, Volume 19, Laws of Delaware, I have collated and caused to be published in the foregoing pamphlet, an act entitled "An act to provide for the Secrecy and Purity of the Ballot," an act entitled "An act to provide for the Registration of Voters," an act entitled "An act to provide for the Registration of Voters in the City of Wilmington," and such other laws as relate to general and special elections in the State and municipal elections in the City of Wilmington, with a preface, giving as briefly as possible the requirements of the law, instructions as to its operation, and a full index to the same.

I have also prepared and caused to be prefixed to this pamphlet a diagram showing the arrangement of an ordinary polling place, a sample ballot, and a digest of the duties of officers.

DAVID T. MARVEL,
Secretary of State.

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